

HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTIETH DAY — MONDAY, APRIL 23, 2007

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 590).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Absent, Excused — King, S.; Moreno.

The invocation was offered by Steve Doles, director, Pray Lubbock, as follows:

Our Heavenly Father, your servant, Moses, not only brought law and order to his people, but provided the foundation upon which laws are established today. May each member of the house breathe in a fresh sense of divinely ordained duty and their stamina renewed as they consider legislation regarding the affairs of our state. May their noble work bring forth laws which will protect our freedoms, enhance life for individuals, and insure rule and order in our society.

We thank you that you have created the men and women in this room with passion about their opinions on appropriate governing policy. I pray that you will endow these representatives, whether on the debate floor or in the committee room, with self-control and honorable statesmanship equal to their passion allowing true corporate wisdom to prevail in this 80th Legislature.

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Where there is misunderstanding, bring order and clarity; where there is inclination toward vindictiveness, soften reactions with mature responses; where there is adherence to insignificant matters, bring wisdom that keeps perspective; where compromise would lead to deterioration of our society, bring resolve to stand firm; where compromise would lead to good policy, bring willingness to concede.

Bless this chamber with wisdom to discern good from evil, and courage to stand for good; grant wisdom to distinguish short-term from long-term benefits and conviction to stand for that which will last; fill this chamber with wisdom to discern the founding principles that have made this state great and conviction to hold fast to those moorings even when they conflict with popular opinion. May these legislators have the hallmark of diligently sifting through stacks of good ideas and passing only the best and necessary pieces of legislation.

Lord, we are thankful to live in the State of Texas and for the spiritual heritage of the people of this land. By our conduct, may we continue to seek the God of our fathers, and thereby make laws consistent with the spiritual and historic stature of Texas, so blessed by you.

Almighty God, we pray that you will continue to bless the efforts of the Texas House of Representatives and the citizens which these members represent. In Jesus' name I pray. Amen.

The speaker recognized Representative Isett who led the house in the pledges of allegiance to the United States and Texas flags.

CAPITOL PHYSICIAN

The speaker recognized Representative D. Howard who presented Drs. John and Judith Egerton of Austin as the "Doctors for the Day."

The house welcomed Drs. Egerton and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of illness:

Moreno on motion of Escobar.

The following member was granted leave of absence temporarily for today because of important business:

S. King on motion of Anderson.

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HR 615 - ADOPTED
(by Madden, Paxton, Laubenberg, and Hartnett)

Representative Madden moved to suspend all necessary rules to take up and consider at this time **HR 615**.

The motion prevailed.

The following resolution was laid before the house:

HR 615, Congratulating Shilah Phillips on being named first runner-up to Miss America.

HR 615 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representatives Madden and Hughes who introduced Miss Texas Shilah Phillips and contestants from the Miss Texas pageant.

HR 1629 - ADOPTED
(by Craddick)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 1629**.

The motion prevailed.

The following resolution was laid before the house:

HR 1629, Congratulating Chelsea Schwartz of Garden City on being crowned Miss West Texas 2007.

HR 1629 was read and was adopted.

On motion of Representative Zedler, the names of all the members of the house were added to **HR 1629** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Hughes who introduced Miss West Texas Chelsea Schwartz.

(W. Smith in the chair)

HR 1630 - ADOPTED
(by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 1630**.

The motion prevailed.

The following resolution was laid before the house:

HR 1630, Honoring Debra Kay Lowe Leibowitz on being named Teacher of the Year by the Mineola Area Chamber of Commerce.

HR 1630 was read and was adopted.

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INTRODUCTION OF GUESTS

The chair recognized Representative Hughes who introduced Debra Leibowitz and members of her family.

HR 1532 - ADOPTED (by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1532**.

The motion prevailed.

The following resolution was laid before the house:

HR 1532, Commemorating the 112th anniversary of Greater Mt. Zion Missionary Baptist Church in Houston.

HR 1532 was adopted.

HR 1525 - ADOPTED (by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1525**.

The motion prevailed.

The following resolution was laid before the house:

HR 1525, Commemorating the 39th annual convention of the National Black Presbyterian Caucus.

HR 1525 was adopted.

HR 107 - ADOPTED (by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 107**.

The motion prevailed.

The following resolution was laid before the house:

HR 107, Honoring Culberson County Judge John Conoly on his retirement from public office.

HR 107 was read and was adopted.

On motion of Representative Hochberg, the names of all the members of the house were added to **HR 107** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Gallego who introduced the Honorable John Conoly and members of his family.

HB 2656 - RECOMMITTED

Representative Swinford moved to recommit **HB 2656** to the Committee on State Affairs.

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The motion prevailed.

(S. King now present)

HR 13 - READ

(by Callegari)

The chair laid out and had read the following previously adopted resolution:

HR 13, In memory of Gay Susan Chandler Mechler of Spring.

(Geren in the chair)

INTRODUCTION OF GUESTS

The chair recognized Representative Callegari who introduced family members of Gay Susan Chandler Mechler.

HB 2283 - RECOMMITTED

Representative W. Smith moved to recommit **HB 2283** to the Committee on County Affairs.

The motion prevailed.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSSB 740 ON SECOND READING

(Driver, Latham, et al. - House Sponsors)

CSSB 740, A bill to be entitled An Act relating to personnel records of commissioned officers of the Department of Public Safety of the State of Texas.

CSSB 740 was considered in lieu of **CSHB 1422**.

CSSB 740 was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1422 - LAID ON THE TABLE SUBJECT TO CALL

Representative Driver moved to lay **CSHB 1422** on the table subject to call.

The motion prevailed.

SB 657 ON SECOND READING

(Puente - House Sponsor)

SB 657, A bill to be entitled An Act relating to the threshold amount at which certain water districts are required to solicit competitive bids before awarding certain contracts and to the ability of such districts to enter those contracts.

SB 657 was considered in lieu of **CSHB 1033**.

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SB 657 was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1033 - LAID ON THE TABLE SUBJECT TO CALL

Representative Puente moved to lay **CSHB 1033** on the table subject to call. The motion prevailed.

HB 1623 ON THIRD READING
(by Phillips)

HB 1623, A bill to be entitled An Act relating to certain penalties and fees imposed for operating a motor vehicle or vessel in violation of law.

HB 1623 was read third time on April 19 and failed to pass. The vote was reconsidered on April 19, and **HB 1623** was postponed until 10 a.m. today.

Amendment No. 1

Representative Phillips offered the following amendment to **HB 1623**:

Amend **HB 1623** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 502.404, Transportation Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) A court may dismiss a charge brought under Subsection (a) if the defendant:

(1) remedies the defect before the defendant's first court appearance;
and

(2) pays an administrative fee not to exceed \$10.

(g) A court may dismiss a charge brought under Subsection (b) if the defendant:

(1) shows that:

(A) the passenger car or commercial motor vehicle was issued a registration insignia by the department that establishes that the vehicle was registered for the period during which the offense was committed; and

(B) the registration insignia described in Paragraph (A) was attached to the passenger car or commercial motor vehicle before the defendant's first court appearance; and

(2) pays an administrative fee not to exceed \$10.

SECTION 2. Section 502.409, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) A court may dismiss a charge brought under Subsection (a)(3), (5), (6), or (7) if the defendant:

(1) remedies the defect before the defendant's first court appearance;
and

(2) pays an administrative fee not to exceed \$10.

SECTION 3. Section 521.025, Transportation Code, is amended by adding Subsection (f) to read as follows:

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(f) The court may assess a defendant an administrative fee not to exceed \$10 if a charge under this section is dismissed because of the defense listed under Subsection (d).

SECTION 4. Section 521.054, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) A court may dismiss a charge for a violation of this section if the defendant:

(1) remedies the defect not later than the 10th working day after the date of the offense; and

(2) pays an administrative fee not to exceed \$10.

SECTION 5. Section 521.221, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) A court may dismiss a charge for a violation of this section if:

(1) the restriction or endorsement was imposed:

(A) because of a physical condition that was surgically or otherwise medically corrected before the date of the offense; or

(B) in error and that fact is established by the defendant;

(2) the department removes the restriction or endorsement before the defendant's first court appearance; and

(3) the defendant pays an administrative fee not to exceed \$10.

SECTION 6. Section 547.004, Transportation Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) A court may dismiss a charge brought under this section if the defendant:

(1) remedies the defect before the defendant's first court appearance; and

(2) pays an administrative fee not to exceed \$10.

(d) Subsection (c) does not apply to an offense involving a commercial motor vehicle.

SECTION 7. Section 31.127, Parks and Wildlife Code, is amended by amending Subsection (c) and adding Subsection (f) to read as follows:

(c) Except as provided by Subsection (f), a [A] person who operates a vessel in violation of Section 31.021(b) or 31.095 commits an offense punishable by a fine of not less than \$100 or more than \$500.

(f) A court may dismiss a charge of operating a vessel with an expired certificate of number under Section 31.021 if:

(1) the defendant remedies the defect not later than the 10th working day after the date of the offense and pays an administrative fee not to exceed \$10; and

(2) the certificate of number has not been expired for more than 60 days.

SECTION 8. (a) The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. For the purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

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(b) An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 9. This Act takes effect September 1, 2007.

Amendment No. 1 was adopted.

A record vote was requested.

HB 1623, as amended, was passed by (Record 591): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Moreno.

Absent — Crabb; King, T.; Murphy; Pierson; Riddle; Vaught; Zerwas.

CSHB 331 ON SECOND READING

(by Harper-Brown, Escobar, Corte, Flynn, Aycock, et al.)

CSHB 331, A bill to be entitled An Act relating to the use in an advertisement of a name or picture of a member of the United States armed forces or the national guard; providing a criminal penalty.

CSHB 331 was read second time on April 16 and was postponed until 10 a.m. today.

Representative Harper-Brown moved to postpone consideration of **CSHB 331** until the end of today's calendar.

The motion prevailed.

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CSHB 83 ON SECOND READING
(by Branch, Dutton, Goolsby, Rose, et al.)

CSHB 83, A bill to be entitled An Act relating to requiring a record vote by each house of the legislature on final passage of a bill, resolution to propose or ratify a constitutional amendment, or other nonceremonial resolution and to public notice of the record vote.

CSHB 83 was read second time on April 17 and was postponed until 10 a.m. today.

Representative Branch moved to postpone consideration of **CSHB 83** until 10 a.m. Monday, April 30.

The motion prevailed.

HB 443 ON SECOND READING
(by Phillips)

HB 443, A bill to be entitled An Act relating to the consent to and annulment of certain marriages.

HB 443 was read second time on April 11, postponed until April 18, and was again postponed until 10 a.m. today.

Representative Phillips moved to postpone consideration of **HB 443** until 10 a.m. Wednesday, April 25.

The motion prevailed.

(Speaker in the chair)

CSHB 2814 ON SECOND READING
(by Eissler, Oliveira, et al.)

CSHB 2814, A bill to be entitled An Act relating to a language immersion pilot project in certain school districts.

CSHB 2814 was read second time on April 18 and was postponed until 10 a.m. today.

Representative Eissler moved to postpone consideration of **CSHB 2814** until the end of today's calendar.

The motion prevailed.

HB 2136 ON SECOND READING
(by Hancock, et al.)

HB 2136, A bill to be entitled An Act relating to public disclosure of student referrals for services made by counselors in public schools.

HB 2136 was read second time on April 19 and failed to pass to engrossment. The vote was reconsidered on April 19, and **HB 2136** was postponed until 10 a.m. today.

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Amendment No. 1

Representatives Hilderbran and Hopson offered the following amendment to **HB 2136**:

Amend **HB 2136** on page 1, line 7, between "school district" and "that", by inserting "with an enrollment of more than 5,500 students".

(Woolley in the chair)

Amendment No. 1 was adopted.

(Speaker in the chair)

A record vote was requested.

The vote of the house was taken on the passage to engrossment of **HB 2136** and the vote was announced yeas 73, nays 73.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Flores on motion of Martinez Fischer.

HB 2136 - (consideration continued)

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 592): 74 Yeas, 69 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Haggerty; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hamilton; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, S.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Straus; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno.

Absent — Bailey; Escobar; Harless; Peña.

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The speaker stated that **HB 2136**, as amended, was passed to engrossment by the above vote.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Peña on motion of Guillen.

MAJOR STATE CALENDAR HOUSE BILLS THIRD READING

The following bills were laid before the house and read third time:

HB 2427 ON THIRD READING (by Truitt, B. Cook, McClendon, Kolkhorst, and Flynn)

HB 2427, A bill to be entitled An Act relating to the continuation and functions of the Teacher Retirement System of Texas; providing penalties.

A record vote was requested.

HB 2427 was passed by (Record 593): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alonzo; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Allen; Anchia; Bailey; Corte; Escobar; Gallego; Hochberg; Madden; Solomons; Strama; Zedler.

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STATEMENTS OF VOTE

When Record No. 593 was taken, my vote failed to register. I would have voted yes.

Allen

When Record No. 593 was taken, I was in the house but away from my desk. I would have voted yes.

Anchia

When Record No. 593 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

When Record No. 593 was taken, I was in the house but away from my desk. I would have voted yes.

Madden

When Record No. 593 was taken, my vote failed to register. I would have voted yes.

Solomons

When Record No. 593 was taken, I was in the house but away from my desk. I would have voted yes.

Strama

When Record No. 593 was taken, I was in the house but away from my desk. I would have voted yes.

Zedler

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business in the district:

Bailey on motion of Hughes.

HB 2458 ON THIRD READING

(by B. Cook, Truitt, McClendon, Kolkhorst, et al.)

HB 2458, A bill to be entitled An Act relating to the licensing and regulation of structural pest control by the Department of Agriculture and the abolition of the Texas Structural Pest Control Board.

A record vote was requested.

HB 2458 was passed by (Record 594): 137 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver;

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Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler.

Nays — Garcia; Phillips.

Present, not voting — Mr. Speaker(C); Zerwas.

Absent, Excused — Bailey; Flores; Moreno; Peña.

Absent — Alonzo; Escobar; Gallego; Hochberg; McClendon.

STATEMENT OF VOTE

When Record No. 594 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

HB 1373 ON THIRD READING (by Guillen)

HB 1373, A bill to be entitled An Act relating to creating the Chronic Kidney Disease Task Force.

A record vote was requested.

HB 1373 was passed by (Record 595): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts;

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Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C); Oliveira.

Absent, Excused — Bailey; Flores; Moreno; Peña.

Absent — Alonzo; Escobar; Hochberg; Hughes; Talton.

STATEMENT OF VOTE

When Record No. 595 was taken, I was in the house but away from my desk. I would have voted yes.

Talton

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

The following bills were laid before the house and read third time:

SB 679 ON THIRD READING (Woolley - House Sponsor)

SB 679, A bill to be entitled An Act relating to the use of certain surplus revenue in the unemployment compensation fund.

A record vote was requested.

SB 679 was passed by (Record 596): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

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Absent, Excused — Bailey; Flores; Moreno; Peña.

Absent — Cohen; Coleman; Escobar; Gallego.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 1667 ON THIRD READING
(by Geren)**

HB 1667, A bill to be entitled An Act relating to the amount of the fee for issuing certain alcoholic beverage permits.

Amendment No. 1

Representative Geren offered the following amendment to **HB 1667**:

Amend on third reading **HB 1667**, as it was amended on second reading by the Geren Amendment and the Hernandez amendment, as follows:

(1) Strike the language added by the Hernandez amendment.

(2) In SECTION 1 of the bill as amended by the Geren amendment, in amended Section 25.02(a), Alcoholic Beverage Code, strike "Subsection (b)" and substitute "Subsections (b) and (c) [~~Subsection (b)~~]".

(3) In SECTION 1 of the bill as amended by the Geren amendment, in amended Section 25.02, Alcoholic Beverage Code, insert a new Subsection (c) to read as follows:

(c) The annual state fee for an original wine and beer retailer's permit issued to a fraternal organization or a veterans organization, as those terms are defined by Section 32.11, is \$175. The annual state fee for a renewal of a wine and beer retailer's permit issued to a fraternal organization or a veterans organization is \$175.

(4) In SECTION 2 of the bill as amended by the Geren amendment, in amended Section 69.02(a), Alcoholic Beverage Code, strike "Subsection (b)" and substitute "Subsections (b) and (c) [~~Subsection (b)~~]".

(5) In SECTION 2 of the bill as amended by the Geren amendment, in amended Section 69.02, Alcoholic Beverage Code, insert a new Subsection (c) to read as follows:

(c) The annual state fee for an original retail dealer's on-premise license issued to a fraternal organization or a veterans organization, as those terms are defined by Section 32.11, is \$150. The annual state fee for a renewal of a retail dealer's on-premise license issued to a fraternal organization or a veterans organization is \$150.

Amendment No. 1 was adopted.

A record vote was requested.

HB 1667, as amended, was passed by (Record 597): 141 Yeas, 0 Nays, 3 Present, not voting.

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Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C); Hartnett; Naishtat.

Absent, Excused — Bailey; Flores; Moreno; Peña.

Absent — Bohac; Escobar.

HB 1022 ON THIRD READING

(by Hilderbran, Keffer, Otto, Martinez Fischer, R. Cook, et al.)

HB 1022, A bill to be entitled An Act relating to the exemption from ad valorem taxation of a motor vehicle owned by an individual and used in the course of the owner's occupation or profession and also for personal activities of the owner and to the rendition of such vehicles.

A record vote was requested.

HB 1022 was passed by (Record 598): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo;

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Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flores; Moreno; Peña.

Absent — Bohac; Burnam; Escobar.

HB 589 ON THIRD READING
(by Aycock, Delisi, Miller, Corte, et al.)

HB 589, A bill to be entitled An Act relating to the student enrollment required for Texas A&M University–Central Texas to operate as a general academic teaching institution.

A record vote was requested.

HB 589 was passed by (Record 599): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flores; Moreno; Peña.

Absent — Driver; Escobar.

HB 1668 ON THIRD READING
(by Aycock and Delisi)

HB 1668, A bill to be entitled An Act relating to the issuance of revenue bonds to fund facilities at Texas A&M University–Central Texas.

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A record vote was requested.

HB 1668 was passed by (Record 600): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flores; Moreno; Peña.

Absent — Coleman; Escobar.

HB 2400 ON THIRD READING **(by Keffer)**

HB 2400, A bill to be entitled An Act relating to membership in, contributions to, benefits from, and administration of the Texas Emergency Services Retirement System.

A record vote was requested.

HB 2400 was passed by (Record 601): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez;

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Martinez Fischer; McCall; McClendon; Menendez; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flores; Moreno; Peña.

Absent — Alonzo; Coleman; Escobar; McReynolds; Merritt.

HB 1962 ON THIRD READING (by Orr)

HB 1962, A bill to be entitled An Act relating to the application of the Business Organizations Code to certain financial institutions and the regulation of those institutions by the Texas Department of Banking.

A record vote was requested.

HB 1962 was passed by (Record 602): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flores; Moreno; Peña.

Absent — Cook, R.; Dutton; Escobar; Swinford.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Environmental Regulation, upon lunch recess today, Desk 1, for a formal meeting, to consider pending business.

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Agriculture and Livestock, upon lunch recess today, Desk 119, for a formal meeting, to consider pending business.

Public Health, upon lunch recess today, Desk 58, for a formal meeting, to consider pending business.

Culture, Recreation, and Tourism, upon lunch recess today, Desk 66, for a formal meeting, to consider pending business.

RECESS

At 11:56 a.m., the speaker announced that the house would stand recessed until 1 p.m. today.

AFTERNOON SESSION

The house met at 1 p.m. and was called to order by the speaker.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 24).

MAJOR STATE CALENDAR

SENATE BILLS

SECOND READING

The following bills were laid before the house and read second time:

SB 904 ON SECOND READING

(Truitt - House Sponsor)

SB 904, A bill to be entitled An Act relating to the continuation and functions of the Texas Alcoholic Beverage Commission; providing penalties.

SB 904 - POINT OF ORDER

Representative Talton raised a point of order against further consideration of **SB 904** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker sustained the point of order.

SB 904 was returned to the Committee on Licensing and Administrative Procedures.

MAJOR STATE CALENDAR

HOUSE BILLS

SECOND READING

The following bills were laid before the house and read second time:

HB 218 ON SECOND READING

(by B. Brown, Berman, Bohac, Riddle, et al.)

HB 218, A bill to be entitled An Act relating to requiring a voter to present proof of identification.

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(P. King in the chair)

(Bailey now present)

Representative Anchia moved to extend speaking time on **HB 218**.

A record vote was requested.

The motion to extend time prevailed by (Record 603): 91 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Bolton; Bonnen; Branch; Brown, F.; Burnam; Castro; Chavez; Cohen; Coleman; Cook, B.; Cook, R.; Creighton; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; England; Escobar; Farabee; Farrar; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, S.; King, T.; Kolkhorst; Kuempel; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McReynolds; Menendez; Miles; Mowery; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Otto; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Strama; Straus; Swinford; Talton; Thompson; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo.

Nays — Anderson; Aycock; Berman; Bohac; Brown, B.; Callegari; Chisum; Christian; Corte; Crabb; Crownover; Darby; Eissler; Elkins; Farias; Flynn; Hamilton; Hancock; Harless; Harper-Brown; Hilderbran; Howard, C.; Isett; Jackson; Krusee; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Murphy; Parker; Patrick; Paxton; Phillips; Riddle; Smith, W.; Smithee; Taylor; Truitt; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker; King, P.(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Eiland; Hughes; Keffer; McClendon; Merritt; O'Day; Orr; Pierson.

HR 1413 - ADOPTED (by Laubenberg)

Representative Laubenberg moved to suspend all necessary rules to take up and consider at this time **HR 1413**.

The motion prevailed.

The following resolution was laid before the house:

HR 1413, Honoring the Lady Yellowjackets basketball team of Rockwall High School for winning the Class 5A state championship for 2007.

HR 1413 was read and was adopted.

On motion of Representative Latham, the names of all the members of the house were added to **HR 1413** as signers thereof.

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INTRODUCTION OF GUESTS

The chair recognized Representative Laubenberg who introduced players and coaches of the Rockwall High School Lady Yellowjackets basketball team.

HB 218 - (consideration continued)

Amendment No. 1

Representative B. Brown offered the following amendment to **HB 218**:

Amend **HB 218** as follows:

(1) On page 1, lines 5-6, strike "Subsection (g)" and substitute "Subsections (g) and (h)".

(2) On page 2, between lines 2 and 3, add a new Subsection (h) to read as follows:

(h) The requirements for identification prescribed by Subsection (b)(1) or (2) do not apply to a voter who:

(1) presents the voter's voter registration certificate on offering to vote;
and

(2) is 80 years of age or older as indicated by the date of birth on the voter's voter registration certificate.

Amendment No. 2

Representative Dunnam offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Betty Brown to **HB 218** on page 1, line 10 by striking "80" and substituting "65".

Representative B. Brown moved to table Amendment No. 2.

(Speaker in the chair)

A record vote was requested.

The vote of the house was taken on the motion to table Amendment No. 2 and the vote was announced yeas 71, nays 68.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 604): 73 Yeas, 72 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

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Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Krusee; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Jones.

The speaker stated that the motion to table prevailed by the above vote.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 25).

(Bonnen in the chair)

HR 1529 - READ (by Goolsby and Truitt)

The chair laid out and had read the following previously adopted resolution:

HR 1529, Honoring Kenneth A. Ardoin for his years of service to Pfizer.

INTRODUCTION OF GUESTS

The chair recognized Representative Goolsby who introduced Kenneth A. Ardoin and members of his family.

HB 218 - (consideration continued)

Amendment No. 3

Representative Leibowitz offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Betty Brown to **HB 218** on page 1, line 10 by striking "80" and substituting "75".

(Speaker in the chair)

Representative B. Brown moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 605): 73 Yeas, 69 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby;

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Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Strama; Thompson; Turner; Vaught; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Darby; King, S.; Quintanilla; Vo.

STATEMENT OF VOTE

When Record No. 605 was taken, I was temporarily out of the house chamber. I would have voted no.

Quintanilla

Amendment No. 1 was adopted.

Amendment No. 4

Representative B. Brown offered the following amendment to **HB 218**:

Amend **HB 218** as follows:

(1) On page 4, line 13, strike "or".

(2) On page 4, line 15, strike the period and substitute the following:

; or

(8) a valid identification card that contains the person's photograph and is issued by:

(A) an agency or institution of the federal government; or

(B) an agency, institution, or political subdivision of this state.

Amendment No. 4 was adopted.

Amendment No. 5

Representative B. Brown offered the following amendment to **HB 218**:

Amend **HB 218** on page 6, lines 11-12, by striking "executes an affidavit stating" and substituting "states".

Amendment No. 5 was adopted.

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Amendment No. 6

Representative Anchia offered the following amendment to **HB 218**:

SECTION 6. Section 16.036(c), Election Code, is amended to read as follows:

(c) The notice must include:

- (1) the date of cancellation;
- (2) the reason for cancellation; and
- (3) a brief explanation of the voter's right to challenge the cancellation and to appeal the ~~[registrar's]~~ decision of the registrar or secretary of state.

SECTION _____. Section 62.113(b), Government Code, is amended to read as follows:

(b) On the third business day of each month, the clerk shall send a copy of the list of persons excused or disqualified because of citizenship in the previous month to the secretary of state ~~[voter registrar of the county]~~.

Amendment No. 6 was withdrawn.

Amendment No. 7

Representative Turner offered the following amendment to **HB 218**:

Amend **HB 218** as follows:

(1) On page 1, lines 5 and 6, strike "Subsection (g)" and substitute "Subsections (g) and (h)".

(2) On page 1, line 9, strike "and either" and substitute "and, except as provided by Subsection (h), either".

(3) On page 2, between lines 2 and 3, insert the following:

(h) A voter who first registered to vote in this state before September 1, 2007, who presents the voter's voter registration certificate is not required to present the additional forms of identification described in Subsection (b)(1) or (2).

Representative Villarreal moved to extend speaking time on **HB 218**.

A record vote was requested.

The motion to extend time prevailed by (Record 606): 80 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Bolton; Bonnen; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Kolkhorst; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miles; Naishtat; O'Day; Olivo; Ortiz; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Strama; Straus; Swinford; Talton; Thompson; Vaught; Veasey; Villarreal; Vo.

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Nays — Anderson; Aycock; Berman; Bohac; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Driver; Eissler; Elkins; Flynn; Garcia; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hughes; Isett; Jackson; Keffer; King, P.; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; Miller; Morrison; Murphy; Noriega; Oliveira; Orr; Otto; Patrick; Paxton; Phillips; Riddle; Smithee; Taylor; Van Arsdale; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Branch; Haggerty; Hamilton; Howard, C.; Jones; King, S.; McReynolds; Mowery; Parker; Smith, W.; Truitt; Turner.

Representative Madden moved to table Amendment No. 7.

A record vote was requested.

The motion to table prevailed by (Record 607): 75 Yeas, 68 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Farabee; Flynn; Gattis; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Brown, F.; Burnam; Castro; Chavez; Coleman; Cook, R.; Crownover; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Escobar; Farias; Farrar; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Morrison; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Cohen; Deshotel; King, S.

Amendment No. 8

Representative Anchia offered the following amendment to **HB 218**:

Amend **HB 218** as follows:

(1) On page 1, lines 4 through 6, strike the text and substitute the following:

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SECTION 1. Sections 63.001(c) and (f), Election Code, are amended to read as follows:

- (2) On page 1, strike lines 7 through 13.
- (3) On page 1, strike lines 18 through 20.
- (4) On page 1, strike line 24.
- (5) On page 2, strike lines 1 through 27.
- (6) On page 3, strike lines 1 through 2.
- (7) On page 3, line 12, strike "from the proof presented" and substitute the

following:

by either:

- (1) one form of identification listed in Section 63.0101(a); or
- (2) two different forms of identification listed in Section 63.0101(b)

- (8) On page 5, strike lines 20 through 27.

(9) Add the following appropriately numbered SECTIONS to the bill and renumber the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 16.0332, Election Code, is amended to read as follows:

Sec. 16.0332. CANCELLATION BECAUSE OF CITIZENSHIP STATUS.

(a) After the secretary of state ~~[registrar]~~ receives a list under Section 62.113, Government Code, of persons excused or disqualified from jury service because of citizenship status, the secretary of state ~~[registrar]~~ shall deliver to each registered voter whose name appears on the list a written notice requiring the voter to submit to the ~~[registrar proof of United States citizenship in the form of a certified copy of the voter's birth certificate, United States passport, or certificate of naturalization or any other form prescribed by the]~~ secretary of state a statement that the voter is a citizen of the United States. The notice shall be delivered by forwardable mail to the mailing address on the voter's registration application and to any new address of the voter known to the secretary of state ~~[registrar]~~. The notice must state:

(1) that the voter's registration will be cancelled unless the statement is received before the 60th day after the date the notice is mailed; and

(2) the penalty for knowingly making a false statement on a registration application under Section 13.007.

(b) If a voter fails to submit to the secretary of state ~~[registrar]~~ proof of citizenship on or before the 60th ~~[30th]~~ day after the date the notice is mailed, the secretary of state ~~[registrar]~~ shall cancel the voter's registration.

(c) The secretary of state shall send to the registrar ~~[shall retain a copy of the]~~ notice of the cancellation ~~[mailed to a voter]~~ under this section ~~[on file with the voter's registration application. The registrar shall also retain any proof of citizenship received under this section on file with the application].~~

(d) For purposes of cancellation of a voter's registration under this section, the secretary of state has the authority and duties of a voter registrar, except that the voter registrar retains the duties to:

- (1) notify a voter of the cancellation as provided by Section 16.036;

and

- (2) hear a challenge to the cancellation as provided by Subchapter C.

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SECTION _____. Section 16.036(c), Election Code, is amended to read as follows:

(c) The notice must include:

- (1) the date of cancellation;
- (2) the reason for cancellation; and
- (3) a brief explanation of the voter's right to challenge the cancellation and to appeal the ~~[registrar's]~~ decision of the registrar or secretary of state.

SECTION _____. Section 62.113(b), Government Code, is amended to read as follows:

(b) On the third business day of each month, the clerk shall send a copy of the list of persons excused or disqualified because of citizenship in the previous month to the secretary of state ~~[voter registrar of the county]~~.

Amendment No. 8 - Point of Order

Representative Corte raised a point of order against further consideration of Amendment No. 8 under Rule 11, Section 3 of the House Rules and Article III, Section 35 of the Texas Constitution on the grounds that the amendment would change the original purpose of the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 8.

Amendment No. 9

Representative Leibowitz offered the following amendment to **HB 218**:

Amend **HB 218** (House Committee Printing) as follows:

(1) On page 1, lines 5 and 6, strike "Subsection (g)" and substitute "Subsections (g) and (h)".

(2) On page 2, between lines 2 and 3, insert the following:

(h) Notwithstanding Subsection (b), (c), (d), or (g), a voter shall be accepted for voting after presenting a voter registration certificate or one form of identification listed in Section 63.0101 if:

(1) the voter's name on the registration certificate or form of identification is on the list of registered voters for the precinct;

(2) the precinct is located in a county that the governor proclaimed to be in a state of disaster under Section 418.014, Government Code, due to a weather-related event; and

(3) the date of the election is before the first anniversary of the date the state of disaster expires.

(Hamilton in the chair)

AMENDMENT NO. 9 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE B. BROWN: Mr. Leibowitz, your amendment is dealing with future disasters.

REPRESENTATIVE LEIBOWITZ: Yes, ma'am.

B. BROWN: We hope we never have one, but chances are something would happen, and in that case, and you don't have in mind a drought?

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LEIBOWITZ: No.

B. BROWN: Or anything that would not interfere with a person's normal activity, so that they couldn't—so that they'd still have access to their ID, their records, their papers, and so on. So you're talking about a severe natural disaster that would disrupt daily life to the point that someone would not have access to their records, is that correct?

LEIBOWITZ: Yes, ma'am, that's correct, and if Rita had hit Houston head-on, and there had been significant devastation, all this says is that from after the state of disaster expires, the proclamation by the governor, from a year from that date of the expiration of the proclamation of disaster forward, that if someone cannot present the two IDs, then they're still going to be allowed to vote.

B. BROWN: It would revert to present law.

LEIBOWITZ: Yes.

B. BROWN: Isn't that what you were going to say?

LEIBOWITZ: Yes, if they were in a county that was part of the declaration of disaster by the governor's office.

B. BROWN: And they were registered voters?

LEIBOWITZ: Yes, ma'am.

B. BROWN: Showing on the records that they were registered voters, it would revert to present law?

LEIBOWITZ: Yes, ma'am.

B. BROWN: And your intent is not to interfere with the intent of my bill?

LEIBOWITZ: No, I was concerned about Rita hitting Houston, and terrible devastation, and an election being three weeks later, for example.

B. BROWN: And the period of one year, you set for what reason?

LEIBOWITZ: I just thought that was a reasonable period of time from the date, given that we have election cycles and elections don't happen every day or every week, or even every month, that that would be a reasonable period of time to allow someone, between the time they're digging the mud out of their homes, and bailing the water out, and trying to reconstruct their lives, that it would be a reasonable period of time within which they could have to get their duplicate documents.

REMARKS ORDERED PRINTED

Representative B. Brown moved to print remarks between Representative Leibowitz and Representative B. Brown.

The motion prevailed.

Amendment No. 9 was adopted.

(Speaker in the chair)

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Amendment No. 10

Representative Veasey offered the following amendment to **HB 218**:

Amend **HB 218** as follows:

(1) On page 1, lines 5-6, strike "Subsection (g)" and substitute "Subsections (g) and (h)".

(2) On page 1, line 9, between "and" and "either", insert ", except as provided by Subsection (h),".

(3) On page 2, between lines 2 and 3, insert the following:

(h) This subsection applies only to a county in which the county or any political subdivision located in the county made a submission under 42 U.S.C. Section 1973c for which the United States attorney general interposed an objection since 1990. A voter who presents a voter registration certificate indicating that the voter resides in a county subject to this subsection is not required to provide any identification in addition to the voter's voter registration certificate.

Representative B. Brown moved to table Amendment No. 10.

A record vote was requested.

The motion to table prevailed by (Record 608): 74 Yeas, 67 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Deshotel; King, S.; Quintanilla; Smith, T.; Zedler.

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STATEMENTS OF VOTE

When Record No. 608 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

When Record No. 608 was taken, I was temporarily out of the house chamber. I would have voted no.

Quintanilla

When Record No. 608 was taken, I was in the house but away from my desk. I would have voted yes.

T. Smith

When Record No. 608 was taken, I was in the house but away from my desk. I would have voted yes.

Zedler

Amendment No. 11

Representative Anchia offered the following amendment to **HB 218**:

Amend **HB 218** as follows:

(1) On page 3, line 18, strike "photo".

(2) On page 4, line 13, strike "or".

(3) On page 4, line 15, between "Safety" and the period, insert
"; or

(8) a signed declaration under penalty of perjury affirming that the person is the same person listed on the person's voter registration certificate".

(Guillen in the chair)

Representative B. Brown moved to table Amendment No. 11.

(Speaker in the chair)

A record vote was requested.

The motion to table prevailed by (Record 609): 77 Yeas, 68 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

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Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Davis, Y.

(Woolley in the chair)

Amendment No. 12

Representative Y. Davis offered the following amendment to **HB 218**:

Amend **HB 218** on page 4, line 11, by striking "located in Texas" and substituting "located in the United States".

Amendment No. 12 was adopted.

Amendment No. 13

Representative Gonzales offered the following amendment to **HB 218**:

Amend **HB 218** as follows:

(1) On page 4, line 13, strike "or".

(2) On page 4, line 15, strike the period and substitute

; or

(8) an identification card that contains the person's photograph and is issued by a county elections administrator or a country clerk.

(3) On page 5, between lines 19 and 20, insert the following:

(c) The commissioners court of a county may authorize the county elections administrator or the county clerk, as applicable, to issue photo identification cards that may be used as proof of a voter's identification under Subsection (a).

(Speaker in the chair)

Representative B. Brown moved to table Amendment No. 13.

A record vote was requested.

The motion to table prevailed by (Record 610): 73 Yeas, 69 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hill; Howard, C.; Hughes; Isett; Jones; Keffer; King, P.; Kolkhorst;

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Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Merritt; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Jackson; King, S.; Mowery; Straus.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

HB 218 - (consideration continued)

Amendment No. 14

Representative Y. Davis offered the following amendment to **HB 218**:

Amend **HB 218** on page 6, lines 12 and 13, by striking "is financially unable to pay the required fee" and substituting "is obtaining the personal identification certificate for the sole purpose of satisfying Section 63.001(b)(1), Election Code".

Amendment No. 14 was adopted.

Amendment No. 15

Representative Dutton offered the following amendment to **HB 218**:

Amend **HB 218**, Section 63.001, Election Code by adding Subsection (h) to read as follows:

(h) This section does not apply if the voter offering to vote is currently registered in the precinct in which the voter is offering to vote and voter is known to the election officer.

Amendment No. 15 - Point of Order

Representative Corte raised a point of order against further consideration of Amendment No. 15 under Rule 11, Section 3 of the House Rules on the grounds that the amendment would change the original purpose of the bill.

The point of order was withdrawn.

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HB 218 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **HB 218** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order.

Representative B. Brown moved to table Amendment No. 15.

A record vote was requested.

The motion to table prevailed by (Record 611): 75 Yeas, 69 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Merritt; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Mowery; Talton.

Amendment No. 16

Representatives Villarreal and Heflin offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 32.111, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The training standards adopted under Subsection (a) must include provisions on the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

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SECTION _____. Section 32.114(a), Election Code, is amended to read as follows:

(a) The county clerk shall provide one or more sessions of training using the standardized training program and materials developed and provided by the secretary of state under Section 32.111 for the election judges and clerks appointed to serve in elections ordered by the governor or a county authority. Each election judge shall complete the training program. Each election clerk shall complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION _____. As soon as practicable after the effective date of this Act:

(1) the secretary of state shall adopt the training standards and develop the training materials required to implement the change in law made by this Act to Section 32.111, Election Code; and

(2) the county clerk of each county shall provide a session of training under Section 32.114, Election Code, using the standards adopted and materials developed to implement the change in law made by this Act to Section 32.111, Election Code.

Amendment No. 16 was adopted.

Amendment No. 17

Representative Y. Davis offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill to read as follows:

SECTION _____. Chapter 62, Election Code, is amended by adding Section 62.016 to read as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. The presiding judge shall post in a prominent place on the outside of each polling location a list of the acceptable forms of photographic and nonphotographic identification. The notice and list must be printed:

(1) in English, Spanish, and any other language appropriate to the precinct in which the polling place is located; and

(2) using a font that is at least 24 point.

Amendment No. 17 was adopted. (Harper-Brown and Laubenberg recorded voting no.) (The vote was reconsidered later today, and Amendment No. 17 was withdrawn.)

Amendment No. 18

Representative Alonzo offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

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SECTION _____. Not later than the 30th day after the effective date of this Act, the Attorney General of Texas must render an opinion determining if this Act has the purpose or will have the effect of denying or abridging the right to vote on account of race or color or in contravention of the guarantees set forth in 42 U.S.C. Section 1973b(f)(2).

Representative B. Brown moved to table Amendment No. 18.

A record vote was requested.

The motion to table prevailed by (Record 612): 76 Yeas, 66 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Farabee; Flynn; Gattis; Goolsby; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Hamilton; Jones; King, S.; Pierson.

Amendment No. 19

Representative Leibowitz offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The requirements contained in this Act of providing two forms of identification do not apply to a person who is 85 years of age or older.

Amendment No. 19 was withdrawn.

Amendment No. 20

Representative Herrero offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

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SECTION _____. Chapter 63, Election Code, is amended by adding Section 63.010 to read as follows:

Sec. 63.010. FEES PROHIBITED FOR CERTAIN FORMS OF IDENTIFICATION DOCUMENTATION. Notwithstanding any other law, a local government or state agency, including a public institution of higher education, may not charge a fee for a person to obtain a document issued by the local government or state agency, including a public institution of higher education, if the document may be used as proof of identification under this chapter.

Amendment No. 20 - Point of Order

Representative Bohac raised a point of order against further consideration of Amendment No. 20 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Representative Bohac moved to table Amendment No. 20.

A record vote was requested.

The motion to table prevailed by (Record 613): 78 Yeas, 67 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Farabee; Flynn; Gattis; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — King, S.

Amendment No. 21

Representative Herrero offered the following amendment to **HB 218**:

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Amend **HB 218** on page 6, lines 1-18, by striking SECTION 7 of the bill and substituting the following:

SECTION 7. Section 521.422, Transportation Code, is amended to read as follows:

Sec. 521.422. PERSONAL IDENTIFICATION CERTIFICATE OPTIONAL FEES ~~[FEE]~~. (a) Except as provided by Subsections (b) and (c), the department may not charge a [The] fee for the issuance of a personal identification certificate [is:

~~[(1) \$15 for a person under 60 years of age;~~

~~[(2) \$5 for a person 60 years of age or older; and~~

~~[(3) \$20 for a person subject to the registration requirements under Chapter 62, Code of Criminal Procedure].~~

(b) The department shall collect a ~~[an additional]~~ fee of \$1 for the issuance or renewal of a personal identification card to fund the Blindness Education, Screening, and Treatment Program established under Section 91.027, Human Resources Code, if the person applying for or renewing a personal identification card opts to pay the ~~[additional]~~ fee.

(c) The department shall collect a ~~[an additional]~~ fee of \$1 for the issuance or renewal of a personal identification card, including a duplicate personal identification card or a personal identification card issued or renewed over the Internet or by other electronic means, to pay the costs of the Donor Education, Awareness, and Registry Program of Texas, established under Chapter 49, Health and Safety Code, and, subject to Section 113.104, Health and Safety Code, of the Texas Organ, Tissue, and Eye Donor Council, established under Chapter 113, Health and Safety Code, if the person applying for or renewing a personal identification card opts to pay the ~~[additional]~~ fee. The department shall remit fees collected under this subsection to the comptroller, who shall maintain the identity of the source of the fees. Subject to appropriation, the department may retain three percent of the money collected under this subsection to cover the costs in administering this subsection.

Representative B. Brown moved to table Amendment No. 21.

A record vote was requested.

The motion to table prevailed by (Record 614): 77 Yeas, 66 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

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Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Farrar; King, S.; McReynolds.

STATEMENT OF VOTE

When Record No. 614 was taken, I was in the house but away from my desk. I would have voted no.

Farrar

Amendment No. 22

Representative Heflin offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 32.111, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The training standards adopted under Subsection (a) must include provisions on the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION _____. As soon as practicable after the effective date of this Act, the secretary of state shall adopt the training standards and develop the training materials required to implement the change in law made by this Act to Section 32.111, Election Code.

Amendment No. 22 was adopted.

Amendment No. 23

Representative Heflin offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTION to the bill and renumber the remaining SECTIONS of the bill accordingly:

SECTION _____. (a) This section applies only to a document issued to a person:

(1) who is a registered voter in this state and presents a valid voter registration certificate; or

(2) who is eligible for registration under Section 13.001, Election Code, and makes a statement that the person will use the document to register to vote.

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(b) Notwithstanding any other law, the Department of Public Safety of the State of Texas may not charge any fee for the issuance of a personal identification card.

(c) Notwithstanding any other law, an agency, institution, or political subdivision of this state may not charge any fee for the issuance of:

(1) a birth certificate; or

(2) any document required to be submitted for the issuance of a personal identification card.

(d) This section expires September 1, 2009.

Representative B. Brown moved to table Amendment No. 23.

A record vote was requested.

The motion to table prevailed by (Record 615): 72 Yeas, 67 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Flynn; Gattis; Goolsby; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Escobar; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Heflin; Hernandez; Herrero; Hochberg; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C); Farabee.

Absent, Excused — Flores; Moreno; Peña.

Absent — Deshotel; Hodge; King, S.; Madden; Straus; Swinford.

STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 615. I intended to vote no.

Farabee

When Record No. 615 was taken, I was in the house but away from my desk. I would have voted yes.

Madden

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Amendment No. 24

Representative Rose offered the following amendment to **HB 218**:

Amend **HB 218** on page 2, line 2, by inserting the following new sentence after the period "An election officer shall inform a voter who is not accepted for voting under this section of the voter's right to cast a provisional ballot under Section 63.011."

Amendment No. 24 was adopted.

Amendment No. 25

Representatives Vaught, Garcia, Noriega, Escobar, Leibowitz, McReynolds, Menendez, and Farias offered the following amendment to **HB 218**:

Amend **HB 218** as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 13.122(a), Election Code, is amended to read as follows:

(a) In addition to the other statements and spaces for entering information that appear on an officially prescribed registration application form, each official form must include:

- (1) the statement: "I understand that giving false information to procure a voter registration is perjury and a crime under state and federal law.";
- (2) a space for the applicant's registration number;
- (3) a space for the applicant's Texas driver's license number or number of a personal identification card issued by the Department of Public Safety;
- (4) a space for the applicant's telephone number;
- (5) a space for the applicant's social security number;
- (6) a space for the applicant's sex;
- (7) a statement indicating that the furnishing of the applicant's telephone number and sex is optional;
- (8) a space or box for indicating whether the applicant or voter is submitting new registration information or a change in current registration information;
- (9) a statement instructing a voter who is using the form to make a change in current registration information to enter the voter's name and the changed information in the appropriate spaces on the form;
- (10) a statement that if the applicant declines to register to vote, that fact will remain confidential and will be used only for voter registration purposes;
- (11) a statement that if the applicant does register to vote, information regarding the agency or office to which the application is submitted will remain confidential and will be used only for voter registration purposes;
- (12) a space or box for indicating whether the applicant is interested in working as an election judge;

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(13) a statement warning that a conviction for making a false statement may result in imprisonment for up to the maximum amount of time provided by law, a fine of up to the maximum amount provided by law, or both the imprisonment and the fine; ~~and~~

(14) a space or box for indicating whether the applicant served in the active military, naval, or air service, was discharged or released from the service under conditions other than dishonorable, and incurred or aggravated a disability in the line of duty in that service; and

(15) ~~(14)~~ any other voter registration information required by federal law or considered appropriate and required by the secretary of state.

SECTION _____. Section 15.001(a), Election Code, is amended to read as follows:

(a) Each voter registration certificate issued must contain:

(1) the voter's name in the form indicated by the voter, subject to applicable requirements prescribed by Section 13.002 and by rule of the secretary of state;

(2) the voter's residence address or, if the residence has no address, the address at which the voter receives mail and a concise description of the location of the voter's residence;

(3) the month, day, and year of the voter's birth;

(4) the number of the county election precinct in which the voter resides;

(5) the voter's effective date of registration if an initial certificate;

(6) the voter's registration number;

(7) an indication of the period for which the certificate is issued;

(8) a statement explaining the circumstances under which the voter will receive a new certificate;

(9) a space for stamping the voter's political party affiliation;

(10) a statement that voting with the certificate by a person other than the person in whose name the certificate is issued is a felony;

(11) a space for the voter's signature;

(12) a statement that the voter must sign the certificate personally, if able to sign, immediately on receipt;

(13) a space for the voter to correct the information on the certificate followed by a signature line;

(14) the statement: "If any information on this certificate changes or is incorrect, correct the information in the space provided, sign below, and return this certificate to the voter registrar."; ~~and~~

(15) the registrar's mailing address and telephone number; and

(16) an indication that the voter is a "service-disabled veteran," if the voter stated on the voter's registration application that the voter served in the active military, naval, or air service, was discharged or released from the service under conditions other than dishonorable, and incurred or aggravated a disability in the line of duty in that service.

(2) On page 1, lines 5-6, strike "Subsection (g)" and substitute "Subsections (g) and (h)".

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(3) On page 1, line 9, between "and" and "either", insert ", except as provided by Subsection (h),".

(4) On page 2, between lines 2 and 3, insert the following:

(h) A voter who presents a voter registration certificate indicating that the voter is a service-disabled veteran is not required to provide any identification in addition to the voter's voter registration certificate.

Amendment No. 25 was adopted.

Amendment No. 26

Representative Escobar offered the following amendment to **HB 218**:

Amend **HB 218** as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 13.122(a), Election Code, is amended to read as follows:

(a) In addition to the other statements and spaces for entering information that appear on an officially prescribed registration application form, each official form must include:

(1) the statement: "I understand that giving false information to procure a voter registration is perjury and a crime under state and federal law.";

(2) a space for the applicant's registration number;

(3) a space for the applicant's Texas driver's license number or number of a personal identification card issued by the Department of Public Safety;

(4) a space for the applicant's telephone number;

(5) a space for the applicant's social security number;

(6) a space for the applicant's sex;

(7) a statement indicating that the furnishing of the applicant's telephone number and sex is optional;

(8) a space or box for indicating whether the applicant or voter is submitting new registration information or a change in current registration information;

(9) a statement instructing a voter who is using the form to make a change in current registration information to enter the voter's name and the changed information in the appropriate spaces on the form;

(10) a statement that if the applicant declines to register to vote, that fact will remain confidential and will be used only for voter registration purposes;

(11) a statement that if the applicant does register to vote, information regarding the agency or office to which the application is submitted will remain confidential and will be used only for voter registration purposes;

(12) a space or box for indicating whether the applicant is interested in working as an election judge;

(13) a statement warning that a conviction for making a false statement may result in imprisonment for up to the maximum amount of time provided by law, a fine of up to the maximum amount provided by law, or both the imprisonment and the fine; ~~and~~

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(14) a space or box for indicating whether the applicant is a widow or widower of a person who served in the active military, naval, or air service; and

(15) [(14)] any other voter registration information required by federal law or considered appropriate and required by the secretary of state.

SECTION _____. Section 15.001(a), Election Code, is amended to read as follows:

(a) Each voter registration certificate issued must contain:

(1) the voter's name in the form indicated by the voter, subject to applicable requirements prescribed by Section 13.002 and by rule of the secretary of state;

(2) the voter's residence address or, if the residence has no address, the address at which the voter receives mail and a concise description of the location of the voter's residence;

(3) the month, day, and year of the voter's birth;

(4) the number of the county election precinct in which the voter resides;

(5) the voter's effective date of registration if an initial certificate;

(6) the voter's registration number;

(7) an indication of the period for which the certificate is issued;

(8) a statement explaining the circumstances under which the voter will receive a new certificate;

(9) a space for stamping the voter's political party affiliation;

(10) a statement that voting with the certificate by a person other than the person in whose name the certificate is issued is a felony;

(11) a space for the voter's signature;

(12) a statement that the voter must sign the certificate personally, if able to sign, immediately on receipt;

(13) a space for the voter to correct the information on the certificate followed by a signature line;

(14) the statement: "If any information on this certificate changes or is incorrect, correct the information in the space provided, sign below, and return this certificate to the voter registrar."; ~~[and]~~

(15) the registrar's mailing address and telephone number; and

(16) an indication that the voter is a "military widow or widower," if the voter stated on the voter's registration application that the voter is a widow or widower of a person who served in the active military, naval, or air service.

(2) On page 1, lines 5-6, strike "Subsection (g)" and substitute "Subsections (g) and (h)".

(3) On page 1, line 9, between "and" and "either", insert ", except as provided by Subsection (h),".

(4) On page 2, between lines 2 and 3, insert the following:

(h) A voter who presents a voter registration certificate indicating that the voter is a military widow or widower is not required to provide any identification in addition to the voter's voter registration certificate.

Amendment No. 26 was adopted.

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Amendment No. 27

Representative Y. Davis offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTION and by renumbering the existing SECTIONS as appropriate:

SECTION _____. The voter registrar of each county shall provide notice of the change in identification requirements for voting contained in this Act with each voter registration certificate or renewal registration certificate issued on or before September 1, 2008. The secretary of state shall prescribe the form of the notice required under this section.

Amendment No. 27 was adopted.

Amendment No. 28

Representative Villarreal offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS accordingly:

SECTION _____. Section 63.012, Election Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) An offense under Subsection (a)(1) [~~this section~~] is a Class B misdemeanor.

(c) An offense under Subsection (a)(2) is a Class A misdemeanor.

Representative B. Brown moved to table Amendment No. 28.

A record vote was requested.

The motion to table prevailed by (Record 616): 78 Yeas, 64 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Farabee; Flynn; Gattis; Geren; Goolsby; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Homer; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; Mallory Caraway; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farias; Farrar; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; Jones; Leibowitz; Lucio; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

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Absent, Excused — Flores; Moreno; Peña.

Absent — King, S.; King, T.; Pierson; Smithee.

STATEMENT OF VOTE

I was shown voting no on Record No. 616. I intended to vote yes.

Haggerty

Amendment No. 17 - Vote Reconsidered

Representative Y. Davis moved to reconsider the vote by which Amendment No. 17 was adopted.

The motion to reconsider prevailed.

Amendment No. 17 was withdrawn.

Amendment No. 29

Representative Y. Davis offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Chapter 62, Election Code, is amended by adding Section 62.016 to read as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. The presiding judge shall post in a prominent place on the outside of each polling location a list of the acceptable forms of photographic and nonphotographic identification. The notice and list must be printed using a font that is at least 24 point.

Amendment No. 29 was adopted.

Amendment No. 30

Representative Strama offered the following amendment to **HB 218**:

Amend **HB 218** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.012 to read as follows:

Sec. 31.012. ELECTION INTEGRITY TRAINING. The secretary of state shall annually conduct, in at least four different geographic regions of the state, election integrity training for election officers, law enforcement personnel, and prosecutors in detecting, investigating, and prosecuting instances of vote fraud in which a person impersonates another person for the purposes of voting.

SECTION 2. Subchapter A, Chapter 273, Election Code, is amended by adding Sections 273.005 and 273.006 to read as follows:

Sec. 273.005. ELECTION INTEGRITY TASK FORCE. Each district attorney or criminal district attorney in this state shall create an election integrity task force to investigate and prosecute instances of vote fraud in which a person impersonates another person for the purposes of voting.

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Sec. 273.006. POST ELECTION INTEGRITY AUDIT. (a) Following the general election for state and county officers, the county clerk of each county shall conduct a post-election integrity audit to examine and investigate any evidence of vote fraud in which a person impersonates another person for the purposes of voting.

(b) The county clerk shall:

(1) not later than the 90th day after the date of the general election for state and county officers, file a report with the secretary of state and the commissioners court of the county providing details of the evidence collected in the audit; and

(2) refer any evidence of vote fraud collected under the audit to the district or criminal district attorney with jurisdiction in the county.

SECTION 2. This Act takes effect September 1, 2007.

Amendment No. 30 - Point of Order

Representative Berman raised a point of order against further consideration of Amendment No. 30 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Representative B. Brown moved to table Amendment No. 30.

A record vote was requested.

The motion to table prevailed by (Record 617): 75 Yeas, 67 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Flynn; Gattis; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C); Straus.

Absent, Excused — Flores; Moreno; Peña.

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Absent — Cook, R.; King, S.; Woolley.

STATEMENT OF VOTE

When Record No. 617 was taken, my vote failed to register. I would have voted yes.

Woolley

HB 218 - REMARKS

REPRESENTATIVE ANCHIA: Members, I'm going to be brief, this has been a long day. The debate has gone on for, oh boy, about six hours and this is what we learned. We've learned that the authors of this bill have provided not one shred of evidence of voter impersonation, which is the type of voter fraud this bill gets at. We have learned that upwards of two million Texans may be disenfranchised by this bill. We have learned that the sense of this body is not to prosecute the offenders and not to set up and devote resources to engage a prosecuting voter impersonation.

So, let me tell you what I know it's not about. This is clearly not about voter fraud, it's not about voter impersonation, it's not about expanding the franchise, it's not about protecting those that are least vulnerable in our society, and it's not about making sure that elections are more secure, and I'll tell you why. I've been saving this wonderful nugget for you guys until the end. If you look at the list of documents that you can offer up, it includes employee identification. No matter how much training you do with poll workers, no matter how much training you do of election judges and election officials, it will be impossible for them to discern what is a valid employment identification and what is an invalid employment identification. Mr. Talton probably has an identification for his law firm. It would be impossible for me to tell whether it was valid or invalid or whether Joe Deshotel's face was on it or whether it was correct or not. In fact, you can go down to Kinko's and have a bogus little ID made and say that you're an employee of whatever organization you want to be for about five dollars. In fact, this bill, rather than increasing the integrity of elections, makes sure that there's a huge loophole that you can drive a train through to increase voter fraud that was what was crossing the mind of a particular person.

We know that there's no evidence of it, but if this body wants to create an opportunity for voter fraud then vote for **HB 218**. In fact, that Section 3 part (a) of **HB 218** creates a wonderful opportunity for people at a low cost to be able to impersonate someone else by saying that this is a valid employee ID and no poll worker, no election worker, no election judge will be able to discern a valid from an invalid ID. Furthermore, there's another wonderful loophole in this bill that creates a glaring weakness. It essentially allows vote by mail to continue without photo identification. Vote by mail, that we know, is the greatest source of voter fraud in this state. In fact, all of the prosecutions by the attorney general—I shouldn't say all, but a great majority of the prosecutions by the attorney general occur with respect to vote by mail.

So ladies and gentlemen, you have a pig on your hands. It's an ugly bill. It creates more of an opportunity for voter fraud than current law, and I will tell you that if you vote for this without any commensurate enforcement like what was

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offered up in Representative Strama's bill, you are voting for a pig with no lipstick, and it's going to be nasty. So I urge you, members of this body, to please vote against the loopholes that this bill creates and vote against the opportunities of voter fraud that this creates and vote against **HB 218**.

REPRESENTATIVE BURNAM: I particularly want to thank Rafael Anchia for the leadership role he's taken, both on the Elections Committee and today, and I'm only going to add a few words from my hometown daily paper, the *Star-Telegram* today. The opening paragraph, "An insidious scheme to turn back the clock on voting rights in Texas tragically has once again made it's way to the state house floor. The architects of this idea pitched as a noble effort to prevent voter fraud cannot be allowed to succeed with what is surely one of the greatest assaults on the right to vote in this state since the passage of The Federal Voting Rights Act in 1965." Racism is racism, xenophobia is xenophobia. It's too bad that we're going to see it enacted on the house floor again.

REMARKS ORDERED PRINTED

Representative Thompson moved to print all closing remarks on **HB 218**.

The motion prevailed.

REPRESENTATIVE VEASEY: Mr. Speaker, members, thank you very much. I'll be very brief. I want to start off by thanking some of the folks that have helped bring attention to this voter ID, or what I call a voter suppression bill. First of all, I'd like to thank the Baptist General Convention of Texas. They put out a pamphlet, a flier today asking members to please oppose this bill. I think that's significant because the Civil Rights Movement back when we were going through a lot of these issues that we're facing today—and don't be mistaken about it—this is a Civil Rights issue that we are debating today. But back during the '60s the black ministers and everyone else that marched for freedom, that marched for voting rights, rarely did any of the white pastors from the South join in, and the fact that the Baptist General Convention joined in shows that we are making some progress in this country on racial harmony.

Unfortunately, this bill sets us back. We have heard absolutely no evidence of any voter impersonation today, absolutely none. I think that Representative Strama and Representative Anchia pointed that out very eloquently. All of the amendments and everything that Ms. Brown has offered you today is asking you to vote for this bill based on generalizations, and based on stereotypes, and based on things that are untrue. There has been absolutely not one shred of evidence, and we're voting for this bill today. It makes absolutely no sense, and especially in light of what's going on with the attorney general in the State of Texas. They were trying to force U.S. attorneys to say that there was voting fraud going on in their respective districts in there respective states so they could produce convictions that would prove voter impersonation. The panel, the U.S. panel who looked into this, found none. They had to help doctor some of the findings to make their findings more compelling. And I think that it's time that—instead of 15 or 20 years from now—because, you know, when we look down the road this is going to be embarrassing that we even voted for this. But right now people are

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doing this because people think that it's the popular thing to do. It's the wrong way that our state is heading, and I'm going to ask you, and I know that the amendments haven't been going favorable, but I'm going to ask everybody here today to do the right thing and vote no on this bill.

REPRESENTATIVE CASTRO: Mr. Speaker, members, the bill that we have in front of us is a perversion of our American democracy for several reasons. The first reason, it makes it too hard for honest people to go to the polls and vote, and it makes it too easy for dishonest people to cheat and find a way to vote. The list of exceptions that were added to this bill, rather it's the one that Rafael Anchia pointed out, a valid ID from a business. We'll never be able to tell what those valid IDs look like. Or even a student ID that can be falsified. A bill sent to a home that can easily be falsified. All of those additions actually make it easier for somebody to go out and commit the kind of fraud that we're trying to protect against today. And yet, it's the people who are actually honest who suffer.

It's ironic that we've heard many of the arguments that we've heard today. For instance, when we talk about the second amendment and the right to bear arms, we often hear the argument that we shouldn't punish those who rightfully bear arms to go after the few that would get those guns illegally anyway. That philosophy predominates this legislature. But for some reason, that philosophy was missing in the discussion of this bill today.

Earlier in the session, earlier today, I handed out a listing of where Texas ranked in 2002 in terms of voter turnout. We're about five or six months removed from our November races when everybody went out and campaigned, knocked on doors, put up signs, worked the polls on election day. You all remember the intensity in which you're trying to get people to vote, all that effort, all that energy. And in 2002, we ranked second to last in the nation in the number of people who come out to vote as compared to our voting age population. There's no question today that this piece of legislation will drive our numbers down even further, and in a few years, I wouldn't be surprised if we ranked dead last in the nation in voter turnout. We rank second in terms of population in the United States, second only to California. We rank fourth in voter turnout behind the states of New York and Florida.

We also heard a lot about fiscal notes. We're passing this bill despite the fact that it has a fiscal note. We defeated amendments because they had fiscal notes. And although money is one way to measure loss, and a very popular one, it's not the only way. And I can't help but think that there is a democracy note here, and that the democracy cost here is even more than the fiscal cost to our state.

REPRESENTATIVE MACIAS: Thank you, Mr. Speaker and members. First, I would like to thank Representative Brown for bringing this bill to the floor. Could the reason be that we don't have any on-going voter impersonation investigations be that we don't have a system that requires voter identity verification? I believe **HB 218** will be that tool that detects and deters voter impersonation, but even more than that, it will preserve and protect our most basic right to vote, and give us the confidence that those who turn out to vote are, in fact, qualified voters. The goal of the bill is to bring the highest integrity

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possible to our most precious and basic right to vote, and I just encourage us to vote yes on this bill.

REPRESENTATIVE B. BROWN: Thank you, Mr. Speaker and members. Thank you for staying all afternoon and into the evening, and thank you for all of you who believed in this bill, and helped with it, helped to improve it, and especially to former Representative Mary Denny, who paved the way for us when she carried it in the last session. I am not going to waste a lot of your time, because I think we've all made up our minds if we're going to support this bill or not, but I will remind you that there have been a lot of accusations, or I should say claims, made about it that I believe in my heart are not true. The Supreme Court has upheld the fact that this is not a poll tax that we are instituting by requiring of people that they merely prove who they say they are when they come in to vote. This is, and I think that all that needs to be said now is just to close with a statement from the U.S. Supreme Court.

REPRESENTATIVE DUNNAM: If I show up at the polls, under your bill, without my voter registration card, but with five photo IDs, will my vote count? Without my voter registration card, but with five photo IDs, will I get to vote?

B. BROWN: One photo ID will be entirely sufficient, so long as you are on the voter registration roll.

DUNNAM: And are you saying that if I have my photo, if I do not have my voter registration card, that I don't get a provisional ballot?

B. BROWN: You do get a provisional ballot.

DUNNAM: So if I show up without a voter ID card, my voter registration card, but with five government photo IDs, I will get a provisional ballot, correct?

B. BROWN: You would have a provisional ballot, because you need to bring your voter registration card with you.

DUNNAM: And my vote won't count.

B. BROWN: It will be a provisional ballot. Let me just read this one quote from the U.S. Supreme Court decision that recognizes the merit of photo identification cards for voting. In removing an injunction against Arizona's photo identification law, the U.S. Supreme Court's per curiam opinion reads, "Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy. Voter fraud drives honest citizens out of the democratic process and breeds distrust of our government. Voters who fear their legitimate votes will be outweighed by fraudulent ones, will feel disenfranchised." So, members, we want to increase the integrity of the process, and thereby increase voters' confidence in integrity of the process, and there will be more participation. Thank you, members. I move passage.

A record vote was requested.

HB 218, as amended, was passed to engrossment by (Record 618): 76 Yeas, 68 Nays, 3 Present, not voting.

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Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C); England; Goolsby.

Absent, Excused — Flores; Moreno; Peña.

PAIRED VOTES

England (present), who would vote yes, with Peña (absent), who would vote no.

Goolsby (present), who would vote yes, with Flores (absent), who would vote no.

REASON FOR VOTE

I would like to document my vote in the House Journal as "aye" on **HB 218**. If present, Representative Peña would have voted "nay" on the above mentioned bill. When I became aware that Representative Peña would not be present on the house floor due to a speaking engagement in his district, thereafter I agreed to the pairing. With the utmost respect for both Representative Peña and the process of the house, I am more than honored to take part in this pairing.

England

CSHB 626 ON SECOND READING **(by P. King, Christian, Macias, Paxton, et al.)**

CSHB 626, A bill to be entitled An Act relating to the procedures for registering to vote.

Representative P. King moved to postpone consideration of **CSHB 626** until 10 a.m. Monday, April 30.

The motion prevailed.

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CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
SECOND READING

The following resolutions were laid before the house and read second time:

HJR 91 ON SECOND READING
(by Bohac)

HJR 91, A joint resolution proposing a constitutional amendment to change the length of the unexpired term that causes the automatic resignation of certain elected county or district officeholders if they become candidates for another office.

Amendment No. 1

Representative Bohac offered the following amendment to **HJR 91**:

Amend **HJR 91**, line 13, as follows:

(1) strike ~~60~~, and insert 90.

Amendment No. 1 was adopted.

A record vote was requested.

HJR 91, as amended, failed of adoption by (Record 619): 71 Yeas, 72 Nays, 1 Present, not voting. (The vote was reconsidered later today, and **HJR 91** was postponed until 10 a.m. Monday, May 28.)

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Giddings; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Latham; Laubenberg; Macias; Madden; Martinez; McCall; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Riddle; Smith, T.; Smith, W.; Solomons; Straus; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Branch; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; England; Escobar; Farias; Farrar; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hartnett; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Jones; King, T.; Krusee; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Mowery; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smithee; Strama; Swinford; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Corte; Dunnam; Talton.

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STATEMENTS OF VOTE

When Record No. 619 was taken, my vote failed to register. I would have voted no.

Dunnam

I was shown voting yes on Record No. 619. I intended to vote no.

Geren

I was shown voting yes on Record No. 619. I intended to vote no.

Martinez

HB 1462 - RECOMMITTED

Representative Zedler moved to recommit **HB 1462** to the Committee on Elections.

The motion prevailed.

HB 1315 - RECOMMITTED

Representative Bailey moved to recommit **HB 1315** to the Committee on Urban Affairs.

HB 1315 - REMARKS

REPRESENTATIVE BONNEN: Mr. Bailey, is it correct that you want to send this back to your committee because the information that you were given wasn't entirely accurate, that local volunteer firefighters were accepting of this bill, and found it to be approving to them?

REPRESENTATIVE BAILEY: That's absolutely correct. We never had any intention to harm volunteer firefighters after finding out there were some problems in the bill. It's my intent to send that back to Urban where it'll maybe be sent back to Calendars on July 20th.

BONNEN: And then you take control of this bill and ensure that you're protecting volunteer firefighters, which has been your intention throughout this process?

BAILEY: Absolutely. I'm going to stand for those firefighters.

The motion to recommit prevailed.

FIVE DAY POSTING RULE SUSPENDED

Representative Eissler moved to suspend the five day posting rule to allow the Committee on Public Education to consider **HB 1672** and **HCR 143** at 8 a.m. tomorrow in E2.036.

The motion prevailed.

Representative Swinford moved to suspend the five day posting rule to allow the Committee on State Affairs to consider **HB 2656** and **HCR 198** upon adjournment today in E2.010.

The motion prevailed.

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REMARKS ORDERED PRINTED

Representative Bonnen moved to print remarks between Representative Bailey and Representative Bonnen regarding the motion to recommit **HB 1315**.

The motion prevailed.

FIVE DAY POSTING RULE SUSPENDED

Representative Deshotel moved to suspend the five day posting rule to allow the Committee on Transportation to consider **SB 965** at 8 a.m. tomorrow in E2.012.

The motion prevailed.

Representative Giddings moved to suspend the five day posting rule to allow the Committee on Business and Industry to consider **HB 3823** at 2 p.m. or upon adjournment tomorrow in E2.026.

The motion prevailed.

(Guillen in the chair)

Representative Bonnen moved to suspend the five day posting rule to allow the Committee on Environmental Regulation to consider **HB 3231** and **HB 3388** at 8 a.m. tomorrow in E2.028.

The motion prevailed.

Representative Puente moved to suspend the five day posting rule to allow the Committee on Natural Resources to consider **HB 4086** at 2 p.m. Wednesday, April 25 in E2.012.

The motion prevailed.

Representative Rose moved to suspend the five day posting rule to allow the Committee on Human Services to consider **HB 2154**, **HB 2474**, **HB 2856**, **HB 2902**, **HB 2904**, and **HB 3766** at 10:30 a.m. or upon adjournment Thursday, April 26 in E2.026.

The motion prevailed.

Representative Smithee moved to suspend the five day posting rule to allow the Committee on Insurance to consider **SB 502** upon adjournment today in E1.026.

The motion prevailed.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

HJR 91 - VOTE RECONSIDERED

Representative Hartnett moved to reconsider the vote by which **HJR 91**, as amended, failed of adoption.

The motion to reconsider prevailed.

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HJR 91 ON SECOND READING
(by Bohac)

HJR 91, A joint resolution proposing a constitutional amendment to change the length of the unexpired term that causes the automatic resignation of certain elected county or district officeholders if they become candidates for another office.

Representative Hartnett moved to postpone consideration of **HJR 91** until 10 a.m. Monday, May 28.

The motion prevailed.

**PROVIDING FOR A CONGRATULATORY
AND MEMORIAL CALENDAR**

Representative McClendon moved to set a congratulatory and memorial calendar for 9 a.m. Friday, April 27.

The motion prevailed.

HR 1616 - ADOPTED
(by Puente)

Representative C. Howard moved to suspend all necessary rules to take up and consider at this time **HR 1616**.

The motion prevailed.

The following resolution was laid before the house:

HR 1616, Congratulating The San Antonio Orthopaedic Group, LLP, on the 60th anniversary of its founding.

HR 1616 was adopted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Local and Consent Calendars, upon adjournment today, E2.024, for a formal meeting.

State Affairs, upon adjournment today, E2.010, for a public hearing, to consider **HB 2656**, **HCR 198**, and posted business.

Licensing and Administrative Procedures, upon adjournment today, Desk 99, for a formal meeting, to consider **SB 904**.

Calendars, upon adjournment today, 3W.9, for a formal meeting, to consider a calendar.

Rules and Resolutions, upon adjournment today, 2W.25, for a formal meeting, to consider a congratulatory and memorial calendar.

ADJOURNMENT

Representative Pickett moved that the house adjourn until 10 a.m. tomorrow in memory of Mike Lopez of El Paso and Austin.

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The motion prevailed.

The house accordingly, at 7:57 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 24

HB 1447, HB 1967

Senate List No. 25

SB 192, SB 325, SB 507, SB 844, SCR 50

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, April 23, 2007

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 5

Berman

SPONSOR: Deuell

Relating to providing for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the residence homesteads of the elderly or disabled to reflect any reduction in the school district's tax rate and protecting a school district against any resulting loss in local revenue.

HCR 26

Gallego

SPONSOR: Lucio

In memory of the Honorable Frank Madla of San Antonio.

HCR 167

Hilderbran

SPONSOR: Deuell

Recognizing the 2007 and 2008 appointments of State Poet Laureate, State Musician, and State Visual Artists.

SB 103

Hinojosa

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Relating to the Texas Youth Commission; providing penalties.

SB 156 Shapiro

Relating to a competitive grant program to fund nurse-family partnership programs in certain communities in this state.

SB 194 Jackson, Mike

Relating to the eligibility of certain individuals with terminally ill spouses or parents for unemployment compensation.

SB 262 Ellis

Relating to compensation for wrongful imprisonment.

SB 346 Duncan

Relating to indemnification provisions in construction contracts.

SB 419 Lucio

Relating to health benefit plan coverage for enrollees with autism spectrum disorder.

SB 448 Uresti

Relating to the distribution, possession, purchase, consumption, and receipt of tobacco products; providing penalties.

SB 776 Jackson, Mike

Relating to certain educational requirements applicable to the regulation of the practice of chiropractic.

SB 805 Uresti

Relating to a foster children's bill of rights.

SB 809 Janek

Relating to automated pharmacy systems.

SB 855 Shapleigh

Relating to the extension of consumer credit to certain members of the Texas National Guard and armed forces of the United States and their dependents; providing a penalty.

SB 932 Jackson, Mike

Relating to the required contents of a voter registration certificate.

SB 962 Shapleigh

Relating to funding under the instructional facilities allotment for school districts affected by troop reassignments at military installations.

SB 1031 Shapiro

Relating to the administration of certain assessment instruments in public schools; providing a criminal penalty.

SB 1200 Patrick, Dan

Relating to rules governing instant games by the Texas Lottery Commission.

SB 1267 Nichols

Relating to a moratorium on the inclusion of certain provisions in a comprehensive development agreement or the sale of a toll project and to the creation and duties of a study committee.

SB 1488 Patrick, Dan

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Relating to the Texas Teach Corps Scholarship Program for students who agree to teach in public schools in this state that have shortages of teachers in certain academic subjects.

SB 1500

Zaffirini

Relating to designating the Donor Education, Awareness, and Registry Program of Texas as the Glenda Dawson Donate Life-Texas Registry.

SB 1592

Hinojosa

Relating to the requirements regarding reporting by a common carrier or pipeline owner or operator of contamination.

SB 1781

Carona

Relating to technical defects in instruments conveying real property.

SB 1790

Jackson, Mike

Relating to the requirements for receiving approval to provide training to an owner of an on-site sewage disposal system using aerobic treatment in maintaining the system.

SB 1870

Zaffirini

Relating to the implementation of the community living options information process for certain adults with mental retardation at certain institutions.

SJR 49

Jackson, Mike

Proposing a constitutional amendment limiting the service of certain officeholders after the expiration of the person's term of office.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, April 23, 2007 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 1098

Bonnen

SPONSOR: Hegar

Relating to immunization against human papillomavirus.

(Committee Substitute)

HCR 158

Dunnam

SPONSOR: Averitt

Congratulating the Mart Panthers football team on winning the 2006 2A State Championship.

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HCR 170 Garcia SPONSOR: Hegar
Commemorating the Texas Maritime Museum's 20th anniversary as the official State Maritime Museum of Texas.

SB 72 Lucio
Relating to the establishment of the Worksite Wellness Advisory Board and the implementation of worksite wellness policies at state agencies.

SB 110 Van de Putte
Relating to dissemination of information concerning immunization against human papillomavirus.

SB 820 Wentworth
Relating to the minimum continuing legal education requirements for an attorney who is a member of the Texas Legislature.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 229 (31 Yeas, 0 Nays)

SB 343 (31 Yeas, 0 Nays)

SB 369 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, April 23, 2007 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 105 West, Royce
Relating to the establishment of a law school in the city of Dallas by the University of North Texas System.

SB 120 Zaffirini
Relating to the prevention of and education concerning the offense of online solicitation of a minor.

SB 309 Van de Putte
Relating to the requirement that a career school or college adopt a refund policy for students called to active military service.

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SB 585 Van de Putte
Relating to the authority of the Edwards Aquifer Authority to adopt rules relating to fire control.

SB 799 Ellis
Relating to the creation of the Texas Eyewitness Identification Working Group.

SB 840 Lucio
Relating to professional development institutes for public school teachers and paraprofessionals regarding education of students with disabilities.

SB 1058 West, Royce
Relating to reintegration counseling services and related resources for military servicemembers.

SB 1090 Duncan
Relating to the creation of a youth diabetes registry; providing penalties.

SB 1740 Shapiro
Relating to the prosecution of certain sexual offenses and to the registration and supervision of sex offenders.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 19

Agriculture and Livestock - **HB 2346**

Border and International Affairs - **HB 1430, SB 893**

Business and Industry - **HB 3101**

Civil Practices - **HB 1602**

Corrections - **HB 1814**

Criminal Jurisprudence - **HB 1048, HB 1801, HB 2115, HB 2950, HB 3131**

Elections - **HB 606, HB 2149**

Energy Resources - **HB 3385**

Environmental Regulation - **HB 2565**

Financial Institutions - **HB 3270, SB 884**

Government Reform - **HB 633**

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Insurance - **HB 1913, HB 2015, HB 2118**

Judiciary - **HB 3083, HB 3460**

Juvenile Justice and Family Issues - **SB 228**

Licensing and Administrative Procedures - **HB 2106, HB 2659**

Natural Resources - **HB 462, HB 2039, SB 657**

Pensions and Investments - **HB 1587, HB 2365, HB 2376**

Public Health - **HB 643, HB 1117, HB 3735**

Regulated Industries - **SB 484**

Transportation - **HB 1790, HB 2114, HB 2557, HB 2760, HB 2859, HB 2898, HB 2945, HB 2988, HB 2991, HB 3225, HB 3275, HB 3441, HB 3711, HB 3955, HCR 164, SB 331, SB 1266, SB 1375**

Urban Affairs - **HB 1456, HB 1561, HB 2050, HB 4045**

Ways and Means - **HB 1751**

April 20

Agriculture and Livestock - **HB 1090, HB 1728**

Civil Practices - **HB 1089, HB 1183, HB 1572, HB 3071**

Culture, Recreation, and Tourism - **HB 1317, HB 2239, HB 2294, HB 3502**

Elections - **HB 1381, HB 2319**

Energy Resources - **HB 1920**

Environmental Regulation - **HB 1391, HB 1742, HB 2293**

Government Reform - **HB 1106, HB 3070, HB 3430**

Higher Education - **HB 1238, HB 3215, HB 3924**

Human Services - **HB 1385**

Insurance - **HB 839, HB 1372, HB 2759, SB 471, SB 611, SB 1253**

Land and Resource Management - **HB 3057, HB 3624, HJR 30**

Law Enforcement - **HB 489**

Licensing and Administrative Procedures - **HB 1156, HB 2206**

Natural Resources - **HB 556, HB 1283, HB 1803, HB 1918, HB 2159, HB 2734, HB 3018, HB 3098, SB 622**

Pensions and Investments - **HB 2358, HB 2751, HCR 187, SB 457**

Public Health - **HB 2471**

Regulated Industries - **HB 3644**

State Affairs - **HCR 193, HCR 194**

Transportation - **HB 2944**

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Urban Affairs - **HB 2099, HB 2353, HB 3498, SB 189, SB 339, SB 342, SB 653**

ENGROSSED

April 19 - HB 56, HB 100, HB 120, HB 198, HB 210, HB 264, HB 488, HB 563, HB 730, HB 818, HB 892, HB 948, HB 1052, HB 1056, HB 1110, HB 1216, HB 1244, HB 1303, HB 1420, HB 1459, HB 1471, HB 1522, HB 1652, HB 1694, HB 1768, HB 1844, HB 1853, HB 1929, HB 1930, HB 1973, HB 2066, HB 2174, HB 2176, HB 2233, HB 2267, HB 2328, HB 2406, HB 2426, HB 2503, HB 2514, HB 2590, HB 2708, HB 2727, HB 2840, HB 2931, HB 3191, HB 3193, HB 3295, HB 3392, HB 3614, HB 3718, HB 3787, HB 3972, HCR 70, HCR 159, HB 371

April 20 - HB 447, HB 588, HB 991, HB 1590, HB 1739, HB 2398, HB 2484, HB 3089, HB 3189, HB 3437, HJR 54

ENROLLED

April 20 - HB 1967

SENT TO THE GOVERNOR

April 19 - HCR 17, HCR 180, HCR 190

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TEXAS HOUSE OF REPRESENTATIVES

4/24/07 House Floor Debate, 3rd Reading

TIME: 1:14:58.5 ' 1:44:02.0

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1 CLERK: HB 218 by Brown of Kaufman relating
2 to requiring a voter to present proof of identification.

3 SPEAKER: The Chair recognizes
4 Representative Brown of Kaufman.

5 REPRESENTATIVE BROWN: Mr. Speaker, Members,
6 this is the bill that we debated thoroughly yesterday,
7 as well as last session, and I just need to clarify one
8 thing.

9 There was a question asked very late in the
10 debate, in fact, the very last question last night that
11 we got a little -- hello -- that we got a little
12 confused about and I'd like to clarify.

13 If you show up at the polls to vote, under
14 my bill, you have your photo ID or two forms of nonphoto
15 ID, you happen not to have your voter registration card
16 but you are on the books as a registered voter, you will
17 not be required to vote a provisional ballot. You'll
18 vote a regular ballot.

19 So, I think -- I just wanted to make sure
20 that everyone understood that.

21 And so, I move passage on the 3rd reading.
22 Thank you very much.

23 SPEAKER: Members, if you want to state for
24 or against this bill, come on down. We need to know.
25 Any of the bills. Let us know ahead of time, please.

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1 The Chair recognizes Ms. Giddings in
2 opposition.

3 REPRESENTATIVE GIDDINGS: Thank you,
4 Mr. Speaker and Members.

5 To Representative Brown and my good friend,
6 Leo Berman, and my committee members, Mr. Bohac and
7 others who have worked on this bill, let me say from the
8 very beginning that I know that your intentions here are
9 good and honorable, and I want to say that again.

10 I truly believe that your intentions are
11 good and honorable, and I believe it is a sincere
12 attempt on your part to stop voter fraud. None of us
13 want that.

14 Corruption in voting, voter fraud is in no
15 one's interest but, in my view, there is no problem. We
16 don't have any documented evidence of a great deal of
17 voter fraud.

18 Conversely, my own point of reference is my
19 experience. I live in a city but I reside in a
20 different school district and, on occasion, there have
21 been things on the ballot that only have to do with that
22 particular school district. I vote at a place other
23 than my usual voting precinct when that happens.

24 On one occasion, with my voter registration
25 in hand, I was told I could not vote without my driver's

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1 license.

2 I said, "That's not right." I even went so
3 far as to say, "Ma'am, there is no question as to who I
4 am. I'm an elected official, and there are lots of
5 people in here who know me. I have my voter
6 registration card," but, again, I was denied the right
7 to vote.

8 I had to call the elections office to
9 straighten out that matter because I refused to give my
10 driver's license.

11 Nothing pains me more in this House than to
12 be forced to talk about being black in America, and that
13 is what I must talk about because that's my experience.
14 That is the lens that I see through.

15 And even on those days when I try my very
16 best not to look through that lens, I'm often forced to
17 do it.

18 I keep praying that the day is near when we
19 will be colorblind but that day is not here yet. If you
20 look through my lens and if you have lived my
21 experience -- and mine has been a fairly sheltered
22 experience even so -- I am not confused about the right
23 to vote and the absolute need to fight and not dismantle
24 that right, a right that belongs to every American.

25 We believe in it so strongly that we send

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1 our military to risk their lives so that those in other
2 countries may also have the right to vote.

3 I would like to share with you some words
4 with -- from Langston Hughes. And I quote, Langston
5 Hughes said, "Let America be America again. Let it be
6 the dream it used to be. Let it be the pioneer on the
7 plain seeking a home where he himself is free."

8 But then listen for the refrain. "America
9 never was America to me. Oh, let my land be a land
10 where liberty is crowned with no false patriot wreath
11 but opportunity is real and life is free, equality is in
12 the air we breathe. There has never been equality for
13 me, nor freedom in this homeland of the free. Oh, let
14 America be America again, the land that never has been
15 yet and yet must be the land where every man is free,
16 the land that's mine, the poor man, Indian" --

17 SPEAKER: Members -- Members, could you take
18 your conversations outside the rail so Ms. Giddings can
19 have your attention, please.

20 REPRESENTATIVE GIDDINGS: "Oh, let America
21 be America again, the land that never has been yet and
22 yet must be, the land where every man is free, the land
23 that's mine, the poor man, the Indian, negro, me.
24 America, oh, yes, I say it plain, America never was
25 America to me and yet I swear this oath, America will be

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1 America to me." End quote.

2 Members, for the sake of this great country,
3 for my children and for yours, because you cannot erode
4 one freedom without eroding a little of yours, I ask
5 that your vote be one that encourages freedom, that
6 encourages the right to vote, that values all Americans
7 and all Texans. I ask you to join me in voting against
8 this bill.

9 SPEAKER: The Chair recognizes Mr. Alonzo.

10 REPRESENTATIVE ALONZO: Thank you,
11 Mr. Speaker, Members.

12 Members, I rise also to speak against this
13 bill. I think, as we discussed yesterday, this bill is
14 the equivalent of voting on the Voting Rights Act, and
15 that's what we talked about yesterday because on one
16 point, it talks about participation and, you know, when
17 we participated in the political process, the three --
18 there's three ways to participate; for, against and not
19 participating.

20 What this bill does is discourage
21 participation, discourage participation. Why does it do
22 that, as we talked about all day yesterday, asking so
23 many IDs to vote. The most important right we have here
24 in the United States and Texas is to vote.

25 The way that we can exercise power as we

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1 have here and participate in the process is to vote.

2 The way we can let our opinions known and have laws
3 enacted is to vote and put people in office that are
4 going to make this decision.

5 What this bill does, Members, is discourage
6 the participation of the voters in the political
7 process, discourage the participation in the electoral
8 process.

9 This is wrong, Members. This is wrong. We
10 shouldn't be discouraging people from participating. We
11 should encourage people to participate.

12 And yet it has been said because of fraud
13 that there is no -- no overabundance of evidence for
14 this. And what has been said and what was the debate
15 about and why was this legislation brought forward, to
16 discourage people from voting, but not only to
17 discourage people from voting, I think it discriminates
18 people in voting, and that's why I brought an amendment
19 forward to say that Texas, through the Attorney
20 General's office, should review this legislation to see
21 if it's against the law.

22 And the only, only reason that was argued
23 against my amendment was that we are going to ask
24 Washington to review whether this law discriminated or
25 not. And the reason I brought forward -- and one day,

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1 Members, I know that one day we'll not only have to ask
2 Washington to do what we do but Texas will review what
3 we do, as I said yesterday, we're doing.

4 Members, finally, I say this issue was
5 decided in the last couple of years in Washington.
6 Washington decided to extend the Voting Rights Act for
7 another few years. So, as in Washington, in a
8 bipartisan fashion, they approved the Voting Rights Act,
9 I ask you, in a bipartisan fashion, that we vote no on
10 this bill today.

11 Thank you.

12 SPEAKER: The Chair recognizes
13 Representative Anchia.

14 REPRESENTATIVE ANCHIA: Thank you,
15 Mr. Speaker, Members. It is a day later and the authors
16 of this bill still haven't provided any evidence of
17 noncitizen -- excuse me -- of voter impersonation that
18 would be covered by this bill. A day later and there's
19 no provision in the bill to make sure that 2 million
20 Texans are not disenfranchised.

21 It's a day later, and this bill is still a
22 bad bill. I would ask you to vote against this bill.

23 Thank you.

24 SPEAKER: The Chair recognizes Mr. Berman.

25 REPRESENTATIVE BERMAN: Mr. Speaker,

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1 Members, we had lots of research done and we received a
2 lot of information concerning voter fraud. When
3 Mr. Anchia said that there was no evidence whatsoever,
4 when you have a couple of hundred people voting from the
5 grave -- we have the list of names of individuals voting
6 from the grave -- that, my friends, is voter fraud.
7 There's just no question about it.

8 We also have over 4,000 names that were
9 provided by Mr. Bettencourt, the elections administrator
10 down in Harris County. Those people are actually
11 dropped from the rolls because they're nonU.S. citizens.

12 And the way they were found really was very
13 simple. There are two lists from whom jury pools are
14 selected, first, the voter registration rolls and,
15 second, from the driver's license rolls.

16 When people would receive their jury summons
17 in Houston, they checked the box marked, "I am not a
18 U.S. citizen." They received over 4,000 of those
19 particular cards.

20 The elections administrator in Harris County
21 matched those returned forms against the voter
22 registration list and found that there were over 4,000
23 individuals who were actually on the voter registration
24 list who were not qualified to vote, although 84 had
25 already voted by that time. They were dropped from the

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1 rolls.

2 The reason that they were not prosecuted,
3 according to the former District Attorney of Harris
4 County, was that if he had a photo ID bill at that
5 particular time back in the late 1990s and if we had a
6 photo ID bill in existence at this particular time, then
7 they would have a real charge to levy against those
8 individuals. They could charge them and prosecute them
9 in the court system and convict them for voter fraud.

10 We have all kinds of voter fraud in the
11 state. We have voter fraud by mail ballot. We have
12 voter fraud by dead people voting. And this has been a
13 tradition in Texas for many, many years, as you probably
14 know.

15 And we also have voter fraud by individuals
16 being on the voter registration list who are
17 noncitizens.

18 I think Ms. Brown stood here before you
19 yesterday and she showed you there are over 14 million
20 driver's licenses in the State of Texas. There's
21 another 3.9 million ID cards issued in the State of
22 Texas. That's almost 18 million cards that are already
23 out there. We only have 12 and a half million
24 registered voters in the State of Texas.

25 When we passed this bill yesterday, we took

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1 a step forward to prevent voter fraud in the State of
2 Texas, and it was nothing but a good vote.

3 Mr. Speaker, Members, I ask you today to
4 vote again for House Bill 218 to keep preventing voter
5 fraud in Texas and to continue it in the future.

6 SPEAKER: Ms. Brown, for what purpose?

7 REPRESENTATIVE BROWN: Would the gentleman
8 yield for a question?

9 SPEAKER: Will you yield, Mr. Berman?

10 REPRESENTATIVE BERMAN: I yield.

11 REPRESENTATIVE BROWN: Mr. Berman, why do
12 you think it is that it's so hard to prosecute for voter
13 fraud or for impersonating a voter?

14 REPRESENTATIVE BERMAN: Well, for the most
15 part, the District Attorneys, especially in the large
16 counties like Harris County, don't have the physical
17 resources to prosecute some 4,000 people when they are
18 prosecuting murders and rapists and people who are
19 burglars and larcenists and -- they are prosecuting
20 those individuals who are committing crimes against
21 persons.

22 In my mind, voter fraud is like a white
23 collar crime but it's also a crime against the person
24 because it takes away from our precious right to vote
25 and it makes our vote a lot less safer than it is.

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1 I know after spending a couple of years in
2 Vietnam in combat that people around the world would die
3 to have the right to vote as we do here in the United
4 States. And I was proud to be over there to help
5 protect that right.

6 REPRESENTATIVE BROWN: And we're grateful to
7 you for your service.

8 There's one other thing that I think enters
9 into this. In order for someone to actually testify
10 that there's been fraud, that person has to witness that
11 person voting and knowing -- and know that that person
12 is not who they represented themselves as.

13 So, it's just extremely difficult. You just
14 don't -- you don't have someone at the polls witnessing
15 the act who can go and testify about it. The elections
16 workers are -- have plenty -- all they can do. Believe
17 me, I've worked a number of elections as an election
18 judge, and I know how busy you can be when there's a
19 long line and you're having to verify voters and get
20 them to sign the proper form and issuing the ballots and
21 telling them where to vote and all that sort of thing,
22 and you're not -- that's just not something that you can
23 handle at that time is to be looking for fraud and being
24 able to document fraud. You have to just try to get
25 those people voted, and so, it's extremely difficult.

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1 REPRESENTATIVE BERMAN: Well, Betty, you're
2 right. And it's an amazing thing that a state as large
3 as Texas and a state as great with a great economy as we
4 do, we have no system in place today to verify whether a
5 name on a voter registration card is correct or not. We
6 don't have anything like that.

7 Almost every country in the world has
8 verification for voter registration and has verification
9 when people actually come to vote.

10 And, you know, what I'm saying and what I
11 told many people yesterday, I don't see why if a person
12 has a voter registration card and they're able to take
13 that voter registration card to the polling place, why
14 they can't take an electric bill or a water bill or a
15 gas bill or just one other -- one or two other documents
16 along with their voter registration card to show that
17 they are indeed the name of the person on the voter
18 registration card.

19 Without any other system to verify whether a
20 voter is the person on the voter registration card, it's
21 very difficult and it's almost an impetus toward voter
22 fraud in Texas.

23 And we have had voter fraud as long as Texas
24 has been a state, going all the way back to the
25 elections of LBJ and Ford, and we know about those voter

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1 frauds in Texas.

2 REPRESENTATIVE BROWN: Aren't there more and
3 more states that are passing legislation to implement ID
4 at the polls?

5 REPRESENTATIVE BERMAN: Yes. Recently, nine
6 states passed photo ID bills.

7 And the amazing thing about it is in every
8 one of those states, voter turnout increased and it did
9 not decrease. And that's very important.

10 In every one of those states -- like Hawaii,
11 Hawaii is voting at 70 percent voter turnout. Texas is
12 at 44.3 percent. In every state that passed the photo
13 ID bill, they are exceeding Texas by far in voter
14 turnout at the polls.

15 REPRESENTATIVE BROWN: Don't you think this
16 was a surprise to many people because there were such
17 dire predictions about -- with the institution of -- or
18 instigation of the voter -- photo ID at the polls, there
19 were dire predictions about how the participation would
20 decrease, and just the opposite happened. So, I think
21 there were a lot of people that were very surprised
22 about this.

23 REPRESENTATIVE BERMAN: Well, some of the
24 things that we got on our desk yesterday really bothered
25 me. One thing that said having people take an electric

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1 bill to a polling place or a water bill is insidious.
2 That was the word that was used, it's an insidious act
3 to ask people to take a document to the voting place to
4 actually identify themselves.

5 I'm very proud to take any document to the
6 voting place to identify myself, and I think
7 yesterday -- we allow service members who were wounded
8 in combat to actually just go by that process but even
9 those service men who were wounded in combat would be
10 glad to take out a driver's license or any other kind of
11 photo ID because they risked their lives to do that and
12 preserve our right to vote.

13 REPRESENTATIVE BROWN: I'm sure they would
14 be and especially with the disabled veterans who are on
15 some kind of disability from the government, I think
16 they would almost have to have a photo ID of some kind
17 to be able to draw this disability. Am I wrong there or
18 is that the case?

19 REPRESENTATIVE BERMAN: Most veterans, if
20 you're retired from the military -- I have a retired
21 card --

22 SPEAKER: (Inaudible) raised a point of
23 order. The gentleman's time is expired. The point of
24 order is well taken and sustained.

25 The Chair recognizes Mr. Christian.

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1 REPRESENTATIVE CHRISTIAN: Thank you, Mr.
2 Speaker. I think it's come time in our session that we
3 start looking to what Americans and Texans really want.
4 What they want is the ability to raise their children in
5 an environment where they have the American dream and
6 opportunity. That's provided for years of war that
7 we've fought across the world to allow us to be able to
8 vote, to have a voice and to have an opinion and to
9 participate in this system that our veterans who we
10 honor have allowed to have in this country. Being able
11 to vote is that basic right.

12 I know it was mentioned yesterday in Iraq
13 that we saw the people come away proud with their purple
14 fingers as they expressed their pride in being able to
15 vote. And to think those people went and actually were
16 sitting there risking their lives because they didn't
17 know that there would be guns shooting, as there are
18 every day in that place, to be able to have that right
19 to vote.

20 In this institution of Texas, we have the
21 privilege of doing that. These people had something
22 invested as our veterans, as our country, as our
23 families have.

24 I think this bill allows us again to have
25 the security and pride that it is we Texans that are

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1 voting.

2 And if you start allowing everybody that
3 walks into any place, though that may not be the mass
4 situation as was expressed, if we continue to allow
5 anybody that walks in to have the opportunity that we
6 have had our veterans both give their lives and
7 sacrifice their lives for, it takes away that value in
8 the ability to be able to vote.

9 That's why today we have this opportunity in
10 this bill to confirm to those that come after us that
11 yes, it is a privilege, it is an earned privilege, it is
12 a privilege we've been handed, it's not just a gift that
13 we give away with no strings attached and anybody can do
14 it and we need to make it just as easy for anybody just
15 to walk in and cast that precious ballot.

16 You know, when we have children, we try to
17 teach them in many cases while daddy wants to give them
18 everything we can, we understand that many times that
19 lesson we need to teach is that if you earn it, if
20 there's something that you have to do that makes it a
21 little bit more effort, then you value that more.

22 And that's why this bill is important. We
23 want to put value, pride back into voting in this state.

24 And our constituents are very concerned
25 across this state that we protect their right to vote

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1 because they feel -- even though the facts may not show
2 it, the feeling is there for those people who elected us
3 to come to this House that their vote is no longer safe
4 and secure, that somebody else is stealing that
5 privilege that we have earned and we have precious in
6 this country, and because they feel it, they are asking
7 us to up that bar to make sure that this value of a vote
8 is now more secure in the State of Texas.

9 We want to take care of those people that
10 come to this country but we want them to participate
11 legally in the system. We want them to be able to value
12 that vote as we do as citizens but to not monitor, to
13 not put up standards, to make it where we are not
14 watching -- our voters all across this state are saying,
15 "Protect my ballot," and that's what this bill does. It
16 protects it. It sets a standard. It sets a purpose for
17 which we, as a legislature, are here, and that's to
18 secure the rights, to secure those efforts our veterans
19 have fought, and this bill does that.

20 REPRESENTATIVE BROWN: Mr. Chairman? Excuse
21 me. Mr. Speaker? I'm sorry.

22 SPEAKER: Ms. Brown, for what purpose?

23 REPRESENTATIVE BROWN: Will the gentleman
24 yield for questions?

25 SPEAKER: Mr. Christian, do you yield?

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1 REPRESENTATIVE CHRISTIAN: Yes, sir, I do.

2 SPEAKER: The gentleman yields.

3 REPRESENTATIVE BROWN: Mr. Christian, are
4 you aware of the recent poll that was taken of Texans,
5 asking them if they thought we should have voter ID --
6 photo ID at the polls?

7 REPRESENTATIVE CHRISTIAN: I've been aware
8 of several polls taken but especially I think the one
9 that you're referring to actually shows that 95 percent
10 of voters, 91 percent of Independent, 87 percent of
11 Democrats favor registering voters to show a driver's
12 license. And this was done this year, April 1st through
13 4th, during this legislative session. 90 -- 87 percent
14 of Democrats, 91 percent of Independents and 95 percent
15 of Republicans, almost consistent across the board, want
16 a secure method of protecting their vote.

17 REPRESENTATIVE BROWN: Was that limited to
18 affluent people? Were those the only people that they
19 polled?

20 REPRESENTATIVE CHRISTIAN: No. It was
21 totally across the board, every economic status and
22 totally bipartisan, totally across the board, poor,
23 rich, moderate. Every type of American citizen, every
24 kind of Texan wants protection of their ballot. So,
25 they feel it's important and they feel when they cast a

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1 vote, it really means something.

2 Ms. Brown, if you'll remember several years
3 back, the controversy that existed with our former
4 governor, and there are those that to this day say
5 because of the balloting problem of the (Inaudible)
6 balloting out in Florida that the president really
7 shouldn't be there.

8 Now, while I don't agree with them, I bet
9 there's folks in this room right here today that still
10 question that balloting process in Florida. And today
11 we have the ability to secure that and we have the
12 ability to tell Texans, "Your votes really mean
13 something."

14 REPRESENTATIVE BROWN: Do you know of any
15 really, really close votes that have been decided by
16 just a few votes recently?

17 REPRESENTATIVE CHRISTIAN: There are many
18 votes. Not only the presidential election the last
19 several times has done that, the number one office in
20 our country, but votes all across the state.

21 You take the current governor's race that we
22 had in this state was a very close election, you know,
23 just a few votes one way or the other. That's why we
24 must make sure that everybody's vote is important, is
25 cast, is not diluted unintentionally.

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1 REPRESENTATIVE BROWN: Are you telling me
2 that even if there is a slight amount of voter fraud
3 that would allow these close elections to be decided by
4 an illegal vote that you don't think that's what we
5 should be allowing?

6 REPRESENTATIVE CHRISTIAN: This is what our
7 constituents in the 87 percent across the state have
8 asked us, "Make sure, Legislature, that my vote means
9 something and that my desire -- my vote can't be stolen
10 away by somebody else."

11 REPRESENTATIVE BROWN: Okay. Thank you,
12 Mr. Christian.

13 REPRESENTATIVE CHRISTIAN: Thank you.

14 SPEAKER: The Chair recognizes Ms. Brown to
15 close. The Chair recognizes Ms. Brown.

16 REPRESENTATIVE BROWN: Mr. Speaker, Members,
17 just remember what this vote is all about. It's the
18 integrity of the voting process and increasing our
19 voters' confidence in that process so that we have
20 greater participation.

21 I move passage. Thank you.

22 REPRESENTATIVE VEASEY: Mr. Speaker -- Mr.
23 Speaker, does the gentlelady yield?

24 SPEAKER: Mr. Veasey, the lady said she's
25 yielded the floor.

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22

1 All members, the question occurs on the
2 final passage of House Bill 218. All those in favor
3 vote aye, all those opposed vote nay. It's a record
4 vote. Clerk will ring the bell.

5 Members, show Mr. Flores who is present who
6 would vote no, Mr. Branch, who is absent, would vote
7 yes.

8 Have all voted?

9 There being 76 ayes and 69 nays and 2
10 present not voting, House Bill 218 has finally passed.
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JA_007992

TX_00212615

USA_00022874

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23

1 STATE OF TEXAS *

2 COUNTY OF HARRIS *

3

4 I, the undersigned certified shorthand reporter
5 and notary public in and for the State of Texas, certify
6 that the facts stated in the foregoing pages are true
7 and correct.

8

9 I further certify that I am neither attorney or
10 counsel for, nor related to or employed by, any of the
11 parties to the action in which this matter is taken and,
12 further, that I am not a relative or employee of any
13 counsel employed by the parties hereto, or financially
14 interested in the action.

15

16 SUBSCRIBED AND SWORN TO under my hand and seal of
17 office on this the 25th day of April, 2012.

18

19

20 EDITH A. BOGGS, CSR
21 Certified Shorthand Reporter and
22 Notary Public in and for
the State of Texas

23 Notary Expires: 5-10-2012
24 Certificate No. 3022
Expiration date: 12-31-2013
Esquire Deposition Solutions, LLC
25 Registration No. 3

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